

THE UNITED STATES AND CENTRAL AMERICAN STABILITY

by

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INTRODUCTION

STIMSON ADOPTS NEW POLICY

ON April 11, 1931 Nicaraguan "bandits" under General Sandino attacked and killed about nine Americans near Puerto Cabezas on the east coast of Nicaragua. On April 19 revolutionists in the neighboring republic of Honduras attacked towns on the north coast which are the center of operation of American fruit companies. Upon learning of these attacks, the State Department at Washington at once ordered war vessels to proceed to the ports nearest the scene of action. On April 16, however, Mr. Henry L. Stimson, Secretary of State, telegraphed American representatives in Nicaragua:

"In view of outbreak of banditry in portions of Nicaragua hitherto free from such violence, you will advise American citizens that this Government cannot undertake general protection of Americans throughout that country with American forces. To do so would lead to difficulties and commitments which this Government does not propose to undertake. Therefore, the Department recommends to all Americans who do not feel secure under the protection afforded them by the Nicaraguan Government through the Nicaraguan National Guard to withdraw from the country, or at least to the coast towns whence they can be protected or evacuated in case of necessity. Those who remain do so at their own risk and must not expect American forces to be sent inland to their aid."

A similar policy was adopted toward the revolution in Honduras. This policy, which did not attempt to suppress revolutionary activities or even to extend protection to Americans in the interior of these two countries, was widely interpreted as a change in the attitude of the United States toward Central

America,² and heralded as marking the adoption of a policy of non-intervention.

CENTRAL AMERICAN HISTORY MARKED BY STRIFE

To understand the extent to which our policy may have changed, the following survey of the relations between the United States and Central America since 1904 may be useful.

Following three centuries of colonial rule, Central America revolted from Spain in 1821, and after a short-lived union with Mexico, established a federation³ which, however, came to an end in 1840; thereafter the five sections of the federation—Guatemala, Salvador, Honduras, Nicaragua and Costa Rica—became independent states. Until 1907 at least, the history of these Central American states was a history of war and revolution. Among the causes of these wars were boundary disputes; the desire of liberals or conservatives in one country to help their "co-religionists" in another; the ideal of restoring Central American union; and the ambition to secure personal aggrandizement on the part of some ruler or group.

The outside world has been particularly apprehensive of unrest in Central America, because of foreign investments and also because of the Nicaraguan Canal route, which

2. Cf. "A Change in Central American Policy," F. P. A. *News Bulletin*, Vol. X, No. 25, April 24, 1931; also R. L. Buell, "Our Caribbean Policy Again Under Scrutiny," *New York Times*, April 26, 1931. According to a survey made by the Foreign Policy Association, 76 leading newspapers, including the Scripps-Howard and the Gannett chains, comprising 40 papers, supported Secretary Stimson's new policy; while 44 papers, including the Hearst chain of 23 papers, attacked this policy.

3. J. Antonio Villacorta, *Curso de Historia de la América Central* (7th ed., Guatemala City, Sánchez and De Guise, 1928), p. 147. For a detailed summary of the Central American Constitution of 1824, cf. Laudelino Moreno, *Historia de las Relaciones Interestatales de Centroamérica* (Madrid, Compañía Ibero-Americana, 1928), p. 46.

1. U. S. Department of State, *Press Releases*, No. 81, April 18, 1931, p. 284.

for many years was a cause of rivalry between England and the United States.⁴ When General Rufino Barrios of Guatemala began a war for the avowed purpose of bringing about Central American union in 1885, Secretary Bayard wrote that while a voluntary combination in Central America was ad-

visable, "no display of force on the part of any one or more states to coerce the others can be countenanced."⁵ Following the death in battle of General Barrios, peace was restored through the good offices of the diplomatic representatives of the United States, Germany, Spain, England, France and Italy.

THE MODERN HISTORY OF CENTRAL AMERICA

THE RIVALRY BETWEEN ZELAYA AND ESTRADA

The modern history of Central America began with the accession of José Santos Zelaya as President of Nicaragua in 1893. Overturning a Conservative régime that had been in power since 1863, Zelaya brought new energy into the administration of his country. An intense nationalist, he assimilated the Mosquito reservation on the east coast⁶ into Nicaragua proper—an action which brought him into conflict with the United States and Great Britain; he also cancelled the concession of an American company which had attempted to construct the Nicaraguan canal, on the ground that it had not fulfilled its terms.⁷ Zelaya was also moved by the Central American ideal. Aroused by the Hatch affair of 1895⁸—which led to the British occupation of Corinto—Honduras, Salvador and Nicaragua, under Zelaya's leadership, established the Greater Republic of Central America, which was recognized by the United States.⁹ Only a few weeks after the federal constitution had entered into effect, however, a revolt occurred in Salvador, as a result of which the union came to an end.

A second dictator soon arose to challenge Zelaya—Estrada Cabrera, who became President of Guatemala in 1898. Both dictators were equally guilty of cruelty, but while Zelaya was intensely nationalistic, Estrada Cabrera was noted for his friendliness with the United States.¹⁰ A rivalry soon arose between these two dictators, and each fomented revolution against the other. Zelaya gave support to Guatemalans who wished to overthrow Estrada Cabrera, while Estrada gave similar support to Nicaraguan émigrés.¹¹ Each dictator attempted to find allies; and inasmuch as it was impossible for one state to attack the other on land without crossing Honduran territory, both dictators attempted to establish control over the government at Tegucigalpa. Because of its geographic position, Salvador also was drawn into this contest; Costa Rica, having a more stable and democratic government than the other Central American states and being located south of Nicaragua, attempted to remain aloof from these controversies. As a result of this rivalry, almost the whole isthmus lived for many years under a military strain; severe restrictions were imposed on travel between countries, and spies and émigrés infested every capital;¹² wealthy citizens and foreigners were the periodic victims of forced loans to meet military expenses.

4. Cf. Mary W. Williams, *Anglo-American Isthmian Diplomacy, 1815-1915* (Oxford University Press, 1916).

5. U. S. Department of State, *Foreign Relations, 1885* (Washington, Government Printing Office, yearly), p. 81 (hereinafter cited as *Foreign Relations*). During an attempt to bring about Central American union in 1848, the United States instructed its chargé in Guatemala that while "it is the intention of the United States to maintain its established policy of non-intervention in the concerns of foreign nations," nevertheless, it would be the duty of the chargé, by his "counsel and advice, should occasion offer, to promote the reunion of the States which formed the Confederation of Central America." (E. G. Squier, *Nicaragua*, New York, D. Appleton & Co., 1852, Vol. II, p. 452.)

6. *Foreign Relations, 1885*, p. 105 *et seq.*

7. Its virtual autonomy had been established in the treaty of Managua, January 28, 1860. In an agreement of April 19, 1905 Great Britain recognized the absolute sovereignty of Nicaragua over this area. For the text, cf. *Foreign Relations, 1905*, p. 702.

8. Zelaya always professed a desire to have the canal constructed upon terms suitable to Nicaragua. Following the termination of the concession of the Maritime Canal Company, the American Minister, Lewis Baker, declared in a letter to the Nicaraguan Minister of Foreign Affairs, "you express to me, Mr. Minister, your friendship for the United States . . . and then you jump on us with both feet and spit in our faces. Your action in the canal matter has advertised to all the civilized world your own lack of good faith. . . ." (*Foreign Relations, 1894*, p. 462.)

9. *Foreign Relations, 1895*, p. 1025.

10. For the treaty of June 20, 1895, cf. *Revue générale de droit international public*, Vol. II (1895), p. 568. The constitution was finally drawn up in 1898. The United States recognized the federation on the understanding that the responsibility of each of the three republics remained wholly unaffected. J. B. Moore, *A Digest of International Law* (Washington, Government Printing Office, 1906), Vol. I, p. 146; *Foreign Relations, 1898*, p. 172 *et seq.*

11. The Guatemalan Minister of Foreign Affairs in 1902 declared that relations between Guatemala and the United States had become "intimate in a very notable manner, a perfect harmony existing between the governments of both countries." (Guatemala, *Memoria, Relaciones Exteriores, 1902*, p. 3.) Upon the assassination of President McKinley, Estrada Cabrera sent an envoy extraordinary to Washington. In an address to the new President, Theodore Roosevelt, he expressed the hope that "the ties of ancient and loyal friendship, which happily bind and have always bound together the United States and Guatemala, should be drawn more and more close each day." (*Ibid.*, p. 22.) Cf. also p. 186.

12. José María Moncada accused Zelaya of being a party to the attempt on Estrada Cabrera's life in 1907. (J. M. Moncada, *Cosas de Centro América*, Madrid, Fortanet, 1908, p. 189.) While a bitter opponent of Zelaya's, Moncada admired Estrada.

THE CORINTO AGREEMENT FOR COMPULSORY ARBITRATION

Following the failure of the 1895 union, the governments of Costa Rica, Salvador, Honduras and Nicaragua signed a somewhat looser agreement at Corinto in 1902.¹³ This agreement provided for the compulsory arbitration of all disputes, and for the establishment of a Central American tribunal of arbitration to which each state would appoint an arbitrator.¹⁴ The court was established in October 1902.

Guatemala was invited to adhere to the Corinto agreement but finally declined to do so, apparently fearing that the real object of the agreement was to establish an alliance against Guatemala.¹⁵ Despite the Corinto agreement and subsequent efforts at maintaining peace,¹⁶ Central America continued to be disturbed by threats of war, conspiracy and revolution.¹⁷ A crisis was reached in 1906 when General Regalado of Salvador, supported by Honduras, invaded Guatemala. This invasion, it is alleged, was supported also by Zelaya of Nicaragua and President Porfirio Díaz of Mexico.¹⁸

With the beginning of the Panama Canal in 1904 the United States became apprehensive lest disorder in the Caribbean area should lead to European intervention. This fear led President Roosevelt to lay down his famous corollary to the Monroe Doctrine which declared that, in case of wrongdoing or impotence, the United States might have to exercise an international police power in the Caribbean or Central America.¹⁹

MEXICO AND THE U. S. CALL MARBLEHEAD CONFERENCE—1906

Thus confronted by the possibility of a Central American war in 1906, President Roosevelt invited President Porfirio Díaz of Mexico to cooperate in mediating the dispute.²⁰ Although Díaz had been accused of aiding Salvador against Guatemala, he too respected the friendship of the United States; consequently, he accepted Roosevelt's offer. Roosevelt now telegraphed the Presidents of Salvador and Guatemala:

"... the disturbance of the peace of Central America inflicts grievous injury upon the affected States and causes the gravest concern to the United States, whose sole desire is to see its neighbors at peace. . . In the interests of humanity and the indispensable peace of Central America it becomes my duty to urge a settlement before it may be too late. . ."²¹

This invitation was accepted, and a peace conference was then held on the U. S. S. *Marblehead*, off the coast of Salvador.²² Here the three belligerent governments, Guatemala, Honduras and Salvador, signed a treaty promising to "concentrate" and disarm their armies, leaving only the garrisons ordinarily maintained; to deliver up prisoners of war; to prevent political refugees from taking improper advantage of the right of asylum, and to submit new differences to the arbitration of the Presidents of the United States and Mexico. The governments agreed to meet at San José in two months to conclude a general treaty of peace and amity. The *Marblehead* convention was placed under the "moral sanction of the governments of the mediating and participating nations. . ."—i. e., Mexico, the United States, Nicaragua and Costa Rica.

Whether or not the joint mediation or in-

13. Cf. Frederick Palmer, *Central America and its Problems* (New York, Moffat, Yard & Co., 1910), chap. 21; Richard Harding Davis, *Three Yards in Venezuela and Central America* (New York, Harpers, 1896), p. 139 et seq.

14. Apparently this agreement was the outgrowth of a Central American Juridical Congress of 1897 and 1901. (Cf. Costa Rica, *Memoria, Relaciones Exteriores, 1901.*)

15. Boundary disputes, however, were to be submitted to a "foreign arbitrator of American nationality." (For the text of the treaty of January 20, 1902, cf. *Foreign Relations, 1902*, p. 881.)

16. Guatemala, *Memoria, Relaciones Exteriores, 1903*, p. 5; Moncada, *Costas de Centro América*, cited, chap. II.

17. On November 2, 1903 the Central American governments, excluding Costa Rica, signed a new treaty, recognizing as an "inviolable principle" non-intervention in the domestic affairs of the other countries. (Costa Rica, *Memoria, Relaciones Exteriores, 1904*, anexos, p. 6.)

18. In 1903 armies of Salvador, Honduras and Nicaragua invaded or threatened to invade Guatemala. (Cf. Guatemala, *Memoria, Relaciones Exteriores, 1903*, p. 30.)

19. For the protest of Guatemala against Salvador, cf. Guatemala, *Memoria, Relaciones Exteriores, 1906*, p. 199.

20. Cf. his Chautauqua speech quoted in G. W. Crichfield, *American Supremacy* (New York, Brentano, 1908), Vol. II, p. 418; and Roosevelt's message of December 6, 1904, J. D. Richardson, *Messages and Papers of the Presidents*, Vol. X., p. 831. In May 1911 Secretary of State Knox declared: "Whether rightfully or wrongfully, we are in the eyes of the world and, because of the Monroe Doctrine, held responsible for the order of Central America, and its proximity to the Canal Zone makes the preservation of peace in that neighborhood particularly necessary." (*Foreign Relations, 1912*, p. 588.)

In 1930 the State Department published a memorandum on the Monroe Doctrine written by Reuben Clark, which declared that the Roosevelt corollary was not "covered by the terms of the Doctrine itself." (J. Reuben Clark, *Memorandum on the Monroe Doctrine*, December 17, 1928, Washington, 1930, p. XIX.)

21. A telegram to Ambassador Thompson in Mexico from the State Department declared that the United States "is most anxious to do everything possible to preserve peace, but this is evidently impossible without active cooperation of the Mexican Government." (*Foreign Relations, 1906*, p. 836.)

22. Telegram of July 13, 1906. (*Foreign Relations, 1906*, p. 837.) Two days previously Costa Rica offered to mediate between Guatemala and Salvador. (Costa Rica, *Memoria, Relaciones Exteriores, 1907*, anexos, p. 9.)

23. In addition to representatives of the three belligerent governments—Guatemala, Salvador and Honduras—the Mexican Minister to Central America and the American Ministers to Guatemala, Honduras and Salvador were present in "an advisory and friendly capacity." Despite the original objection of Secretary of State Bacon, representatives from Nicaragua and Costa Rica also attended. (*Foreign Relations, 1906*, p. 846, 852.) Philip Marshall Brown, then chargé at Honduras, declares that certain critics believed the delegates were deliberately carried out to sea, in rough weather, in order to induce them to sign, away from the influence of telegraphic instructions from their respective governments. ("American Diplomacy in Central America," *Proceedings, American Political Science Association, 1911*, p. 152.)

tervention of Roosevelt and Díaz in 1906 was justified has been debated by Central American writers.²⁴ Some, pointing out that the greatest federal unions of the world have been created by force, contend that had Zelaya been left free he would have established a Central American union. They also assert that, except for Roosevelt's mediation, the 1906 war would have led to the overthrow of the burdensome Estrada Cabrera dictatorship.²⁵ The interference of Roosevelt and Díaz, it is declared, enabled Estrada Cabrera again to take the initiative against Zelaya in alliance with a new government in Salvador.²⁶ Others declare, however, that rivalries between the Central American states had become so intense and issues so meaningless that only outside pressure could have prevented a condition of anarchy. It is also pointed out that previous attempts to establish Central American union by force, notably under General Barrios of Guatemala in 1885, had proved disastrous failures.²⁷

TWO METHODS PROPOSED FOR ARBITRATING DISPUTES

In accordance with the *Marblehead* convention, the Central American governments, except for Nicaragua, met at San José in September 1906 and concluded a treaty of peace and amity. This agreement guaranteed a number of rights to citizens of one country residing in the other and imposed certain restrictions on émigrés. Provision was made for free trade in certain produce, the recognition of professional titles, and extradition.²⁸

The provisions for compulsory arbitration in this convention were particularly interesting. Since 1902 a controversy had ex-

isted regarding two forms of arbitration, and back of this controversy stood the rivalry between Zelaya and Estrada Cabrera. In the Corinto agreement the governments, except Guatemala, accepted the principle that all Central American disputes should be settled by a Central American court. Guatemala, on the other hand, believed that outside arbitrators should be called upon.²⁹

In providing for arbitration by Mexico and the United States, the *Marblehead* conference was a victory for the Guatemalan principle. Nevertheless, in the succeeding conference at San José a compromise between the two principles was sought. Thus Salvador, Guatemala and Honduras promised to accept the arbitration of Mexico and the United States, while Costa Rica, Salvador and Honduras agreed to remain bound by the Corinto agreement, to which Nicaragua was already a party. This ingenious compromise, however, did not satisfy President Zelaya, who had refused to attend the San José conference on the ground that Nicaragua was bound by the Corinto agreement.³⁰ He now asked how, if certain signatories of the Corinto pact had agreed to accept arbitration by Mexico and the United States, that pact could be in force.³¹ Would not a conflict in jurisdiction arise?

THE CORINTO COURT ATTEMPTS TO STOP WAR

Following the San José conference, the parties to the Corinto pact proceeded to reorganize the Central American tribunal established by the Corinto agreement. Before this task could be completed, Honduran troops attacked revolutionists upon Nicaraguan soil, killing several Nicaraguans.³²

Branding these acts as "unprecedented aggression," the Zelaya government demanded reparation. In reply, Honduras proposed an arbitration by the Corinto court. Although contending that the act of Honduras

24. This mediation was not the first by the United States; cf. p. 162. For the attempted interventions of the United States to settle the war of the Pacific (1879), cf. W. J. Dennis, *The Tacna-Arica Question* (New Haven, Yale University Press, 1931), chap. VIII.

In 1890 the United States "zealously exerted" its efforts to settle a dispute between Salvador and Guatemala, "whereby the right of the Republic of Salvador to choose its own rulers was recognized." (Moore, *Digest*, cited, Vol. I, p. 145.)

25. F. Hernández de León, *El Libro de las Efemérides* (Guatemala, 1925), Vol. III, p. 129; Salvador Mendieta, *El Problema Unionista de Centro-América y los Gobiernos Locales*, No. 428 (Quezaltenango, Guatemala, "C.D.S.," 1930), p. 38; Moncada, *Cosas de Centro América*, cited, p. 239; J. S. Zelaya, *The Revolution of Nicaragua and the United States* (Madrid, 1910), p. 81.

26. Cf. p. 168 for the charges made in 1908.

27. Cf. Manuel Castro Ramírez, *Cinco Años en la Corte de Justicia Centro-Americana* (San José, Sauter and Company, 1918), p. 1. For the joint representations of France, Great Britain, etc., in Balkan disputes, cf. E. P. MacCallum, "Recent Balkan Alignments," *Foreign Policy Reports*, Vol. VII, No. 1, March 18, 1931.

28. Agreement of September 25, 1906. (*Foreign Relations*, 1906, p. 863.) The San José conference also concluded conventions for the establishment of a Central American International Bureau, and a Central American Pedagogical Institute. (*Ibid.*)

29. One reason given by Guatemala for not signing the Corinto agreement was that it conflicted with the Pan-American arbitration agreement of January 29, 1902. (N. Carbonell, *Las Conferencias Internacionales Americanas*, Havana, 1928, p. 192.) The latter agreement provided for arbitration by an international panel, and excepted political disputes from arbitration.

30. Note of August 29, 1906. Costa Rica, *Memoria, Relaciones Exteriores*, 1907, anexos, p. 23.

31. Nicaraguan note of December 20, 1906. (*Ibid.*, p. 42.)

32. Nicaraguan telegram of January 14, 1907 to Costa Rica; Nicaraguan note of February 20, 1907. (*Ibid.*, p. 73; cf. also, Gámez circular of March 30, 1907, *Documentos oficiales de la guerra entre Nicaragua y Honduras y de la participación de El Salvador como aliado de la última*, Nicaragua, Ministerio de Relaciones Exteriores, Managua, 1907, p. 74, 171 et seq.) Zelaya was accused of aiding these revolutionists. (*Foreign Relations*, 1907, p. 607.)

required immediate satisfaction, Zelaya agreed to arbitrate but sent an army of observation to the border.³³ The judges from four countries (Guatemala not participating) assembled in San Salvador on February 1, 1907. Their first act was to ask the Salvador government to invite both parties to return their armed forces to normal conditions, in accordance with Article XI of the pact of Corinto.³⁴ While Honduras accepted, the Zelaya government declined on the ground that there was no such obligation under the Corinto pact. It also contended that the court had no power to interpret Article XI and that it exceeded its power in attempting in advance to secure the observance of an award. Moreover, while arbitration might be good in principle, it did not apply to disputes affecting "national honor," and the court should not put obstacles in the way of exacting reparation for violation of territorial integrity.³⁵ In view of this attitude, Salvador and Honduras withdrew their judges and the court dissolved on February 8, while Costa Rica, Salvador and Honduras declared that the Corinto convention had ceased to exist because of Nicaragua's action.³⁶ This action led to a protest from Nicaragua, which declared that if these governments believed that Nicaragua had violated the Corinto pact they should refer the question to arbitration. Nicaragua charged that Salvador had a secret alliance with Honduras and that it was extending military aid to Honduras against Nicaragua. Under such circumstances, Nicaragua declared, the Corinto tribunal was really a political body, which had been used to put the onus of the war upon the Zelaya government.³⁷

NICARAGUA INVADES HONDURAS

Despite outside efforts at mediation, Zelaya now invaded Honduras with an army of 16,000 men, together with 600 Honduran

Liberals.³⁸ President Bonilla, on the other hand, was supported by his ally, the government of Salvador; he also received help from Guatemala. Nevertheless, Bonilla was soon defeated and left the country in April on an American cruiser.

On March 25 the Nicaraguan-Honduran Liberal army occupied Tegucigalpa and established a government Junta, representing the three factions in the Liberal party, which Zelaya recognized as the only "legitimate" government of the country and his "ally." On April 18 the Junta surrendered their powers to General Miguel R. Dávila.

Zelaya would probably have carried his war into Salvador, except for the mediation of the United States and Mexico.³⁹ As a result of this mediation, the Salvador and Nicaraguan governments met at Amapala where, on April 23, they signed an agreement restoring peace and providing that Nicaragua would call a new Central American conference to conclude a new arbitration agreement.⁴⁰ The American chargé signed this agreement, interposing the "moral authority" of the United States. Before making peace, Salvador, backed by Guatemala, insisted that the government in Honduras should not remain under the control of Zelaya. Nicaragua then agreed, in a secret treaty, to accept as a compromise candidate for the presidency of Honduras, General Terencio Sierra—a former President—who had been a leader in the recent invasion.⁴¹ Moreover, Salvador, in effect, promised to overthrow Dávila in favor of Sierra.⁴² But Salvador did not do so; instead Dávila's army forced Sierra to flee to Nicaragua. Inasmuch as the United States had an indirect responsibility for the Amapala agreement, its position now became difficult, but was finally relieved when Dávila was recognized by the State Department as President of Honduras on August 23.⁴³

33. F. Salgado, *Historia de Honduras* (Tegucigalpa, "El Sol," 1928), p. 243; Gámez circular, March 30, 1907, cited, p. VIII.

34. This article bound the governments in dispute "not to execute any hostile act, warlike preparations, or mobilization of forces, with the object of not impeding the arrangement of the difficulty or question through the means established, by the present agreement." (*Foreign Relations, 1902*, p. 882.)

35. This attitude parallels somewhat the stand of Bolivia in the dispute with Paraguay of 1928. Cf. A. S. Waddell, "Unsettled Boundary Disputes in Latin America," *F. P. A. Information Service*, Vol. V, No. 26, March 5, 1930, p. 487.

36. For the "acts" of the court, cf. Costa Rica, *Memoria, Relaciones Exteriores, 1907*, anexos, p. 58; *documentos*, cited, p. 179; cf. also the circular of February 25, 1907 signed by Luis Anderson, Minister of Foreign Affairs in Costa Rica, *Memoria, Relaciones Exteriores, 1907*, anexos, p. 71.

37. Cf. Gámez circular of March 30, 1907, cited.

38. *Foreign Relations, 1907*, p. 624. Cf. Costa Rica, *Memoria, Relaciones Exteriores, 1907*, p. 60 et seq. According to the Honduran Congress, the real motive in undertaking this war was to set aside the boundary award of the King of Spain in order to grant concessions in the disputed territory. (Salgado, *Historia de Honduras*, cited, p. 245.) Zelaya, however, had accepted this award.

39. *Foreign Relations, 1907*, p. 629. Conditions were so chaotic, following the evacuation of Tegucigalpa, that chargé Philip Brown assumed charge temporarily, with the aid of consuls, to preserve order. (*Ibid.*, p. 627.)

40. For the text, cf. *ibid.*, p. 633. Cf. p. 166, footnote 46.

41. Salgado, *Historia de Honduras*, cited, p. 269; Moncada, *Cosas de Centro América*, cited, p. 147.

42. For the text of the *Tratado Reservado*, cf. Nicaragua, *Memoria, Relaciones Exteriores, 1906-1907*, p. 403.

43. *Foreign Relations, 1907*, p. 605. This was done after consultation with Mexico.

Declaring that Salvador had failed to act against Dávila (who was himself under Nicaraguan influence), Zelaya sent men and supplies to aid in a revolt against President Figueroa of Salvador. Although Nicaraguan troops actually sacked the towns of Acajutla and Sonsonate, they were repulsed.⁴⁴

MEXICO AND THE U. S. AGAIN INTERVENE

As a countermove against Zelaya, Salvador and Guatemala now extended support to former President Bonilla in his efforts to recover control over Honduras. Since another Central American war seemed imminent,

President Roosevelt and President Díaz on August 28, 1907 suggested that a Central American peace conference should be held, with the friendly assistance of the United States and Mexico. Although, at the suggestion of the Nicaraguan government, Porfirio Díaz proposed that the conference be convened in Mexico, it was decided at the request of the other governments to meet in Washington. On September 17 a Central American peace protocol to that effect was signed.⁴⁵ Thus the effort to restore Central American peace was removed from the troubled area of Central America to the more serene atmosphere of the United States.⁴⁶

THE 1907 CENTRAL AMERICAN CONFERENCE

On November 12 and 13, 1907 preliminary meetings of the Central American delegates were held at Washington for the purpose of agreeing upon the officers and rules for the conference.⁴⁷ A Central American was chairman of this preliminary meeting, and also of the regular session which began on November 14. In an opening address the Mexican Ambassador, Enrique C. Creel,⁴⁸ declared that the "revolutionary germs seem to exist (and with particular vigor)" only in Central America.

"Why should it be strange, then, that the countries nearest to yours extend their friendly mediation, and in case of necessity their frank assistance, that you may come to a mutual understanding. . . ? Neither the United States nor Mexico craves territorial expansion, nor is either desirous of intervening in your affairs, nor do they ask aught but to see you peaceable, strong, and prosperous countries. . . Before long America will witness a great event—the opening of the Panama Canal. . ." In order to enjoy "all the benefits" that will arise from this event, "we need peace in America. . ."⁴⁹

Luis Anderson, delegate from Costa Rica and president of the conference, pointed out that disturbances in Central America had been caused by abuse of governments. "If

we bring it about that the Governments of our five countries do not remain indefinitely in power but are both in their origin and acts a free expression of the will of the people," then success will be achieved.

GENERAL TREATY OF PEACE AND AMITY

As a result of the labors of the conference, which adjourned on December 20, eight agreements were concluded. Perhaps the most important was the General Treaty of Peace and Amity, based on the San José treaty of 1906. Here the five Central American republics promised to "decide every difference or difficulty that may arise amongst them, of whatsoever nature it may be, by means of a Central American Court of Justice."

In addition to providing for compulsory arbitration, the General Treaty of Peace and Amity at the motion of Guatemala declared (Article II) that "every disposition or measure which may tend to alter the constitutional organization in any of them is to be deemed a menace to the peace of said Republics." Moreover, at the suggestion of Salvador,⁵⁰ the convention provided that the

44. In a note of June 12, 1907, Salvador asked the commander of the U.S.S. *Yorktown*, then in local waters, to capture the Nicaraguan warship, *Momotombo*, that had transported these troops, on the ground that it was guilty of piracy. The commander replied that since the *Momotombo* carried the Nicaraguan flag, its government should be held responsible. Nevertheless, in March 1909, American naval vessels were instructed to prevent further violation of the Washington treaties in launching filibustering expeditions in Central America. (Philip Marshall Brown, "American Diplomacy in Central America," cited, p. 152.) Naturalized Americans by the name of Moisan were accused of assisting the Nicaraguan troops and imprisoned. This led to a lively controversy between the United States and Salvador. (Salvador, *Memoria, Relaciones Exteriores*, 1907, anexos, p. 411 et seq., 441.)

45. *Foreign Relations*, 1907, p. 645. This protocol had been drawn up by Mr. Adee of the State Department and Mr. Godoy, the Mexican chargé. "Roosevelt Papers," H. C. Hill, *Roosevelt and the Caribbean* (University of Chicago Press, 1927), p. 186.

46. A few days before the conference, the Presidents of Salvador, Honduras and Nicaragua met at Amapala and agreed to forget past differences, and to hold a further Central American peace conference at Amapala immediately after the Washington conference. (*Foreign Relations*, 1907, p. 663.)

47. Neither the Mexican nor the United States delegate was represented at this preliminary meeting. (Report of William I. Buchanan, United States representative, *ibid.*, p. 667.)

48. Secretary of State Elihu Root also made an opening address. The United States was represented at the conference by William I. Buchanan, and Mexico by Enrique C. Creel.

49. *Foreign Relations*, 1907, p. 689-90.

50. *Actas de la Conferencia de Paz Centro-Americana*, Salvador, *Memoria, Relaciones Exteriores*, 1906-1907, p. 229. In the instructions to the Salvador delegation, this provision for the neutrality of Honduras was interpreted to mean that émigrés expelled from neighboring countries could not reside in Honduras. (*Ibid.*, p. 210.)

neutrality of Honduras would be respected so long as it was not violated by the Honduran government. To prevent one of the most frequent causes of revolution, the governments promised not to permit leaders of political refugees to reside in the departments bordering on countries whose peace they might disturb. Any person who initiated or fostered revolutionary movements should immediately be brought to the capital of the Republic for trial. The 1907 treaty was to remain in force for ten years and thereafter until notice of termination had been given one year in advance by any party.

In an additional convention to the general treaty, the parties promised, upon the initiative of Honduras,⁵¹ not to "recognize any other Government which may come into power in any of the five Republics as a consequence of a *coup d'état* or of a revolution against the recognized Government, so long as the freely elected representatives of the people thereof have not constitutionally reorganized the country."⁵²

Article II of the additional convention provided that "No Government of Central America shall in case of civil war intervene in favor of or against the Government of the country where the struggle takes place." The final article recommended that each government adopt a constitutional reform prohibiting the re-election of the President, where such prohibition does not exist, and to adopt all measures necessary to effect a complete guarantee of the principle of the alternation in power. By such means it was hoped to discourage revolution.

Secondly, the conference established Central American machinery to promote cooperation. In order to "prepare for the fusion of the Central American peoples into one single nationality" and to secure conformity in their economic and fiscal interests,⁵³ a convention provided that annual Central Ameri-

can conferences should be held for at least the next five years. These conferences subsequently took place in different Central American capitals, the last one being held in San José in 1913, as a result of which a large number of treaties relating to commerce, finance and other subjects were concluded.⁵⁴

CENTRAL AMERICAN BUREAU ESTABLISHED IN GUATEMALA

Still another convention provided for the establishment in Guatemala of an International Central American Bureau,⁵⁵ consisting of a delegate from each state. The purpose of this Bureau was to "combine every effort toward the peaceful reorganization of their mother country, Central America," to give an essentially Central American impress to education, to develop commerce, and to secure uniformity of civil, commercial and criminal legislation. The Bureau was established in September 1908, and its five members were paid a salary of \$5,000 a year.⁵⁶

At one of its first meetings the Bureau drew up a constitution which would have authorized it to "concur with all its forces in the peaceful reorganization of" Central America.⁵⁷ Some of the governments, however, objected to such wide powers and the 1910 Central American conference drew up a convention, one article of which prohibited the office from exercising any political function.⁵⁸ It nevertheless became a useful distribution center of information concerning Central America, publishing a monthly entitled *Centro-América*.⁵⁹

54. For a summary of the work of these conferences, cf. Abraham Ramírez Peña, *Conferencias Centro Americanas, 1909-1914* (San Salvador, Imprenta Nacional, 1916).

55. For the convention establishing the bureau, cf. William H. Malloy, *Treaties of the United States* (Washington, Government Printing Office, 1910), Vol. II, p. 2411. Such a bureau had been provided for in the San José convention. (Cf. p. 164. At the 1907 conference a treaty for the establishment of a Central American Pedagogical Institute was signed also. (*Ibid.*, p. 2414.)

56. The annual budget was \$40,000. For its organization and regulations, cf. *Centro-América*, Guatemala City, January 1909.

57. "El Reglamento," *Centro-América*, January 1909, p. 26, 61, 65.

58. Article 2, Convention of February 3, 1910, Ramírez Peña, *Conferencias Centro Americanas*, cited, p. 39. As a result, according to Dr. Salvador Mendieta, "the Office vegetated in the city of Guatemala for 15 years, serving as the docile instrument of Governments, especially to that of Estrada Cabrera, spending prodigious sums, without removing a single obstacle, without erecting a single basis for national reconstruction." (*El Problema Unionista de Centro-América y los Gobiernos Locales*, cited, p. 72.)

59. On the other hand, Dr. Dana G. Munro, in *The Five Republics of Central America* (New York, Oxford University Press, 1918, p. 225), declares that the Bureau was the only institution established in 1907 "which has thus far fully justified its creation."

51. Salvador, *Actas*, cited, p. 249.

52. This provision was a modified form of the Tobar doctrine. Carlos R. Tobar was an Ecuadorean Minister of Foreign Affairs who, on March 15, 1907, proposed that the American Republics should intervene, at least in a mediatory and indirect manner, in the internal dissensions of the republics of the continent. Such interventions could at least refuse recognition to *de facto* governments that had been established by revolutions against the constitutional régime. For Tobar's letter of March 15, cf. *Revue générale de droit international public*, Vol. XXI, p. 482.

53. Preamble to the Convention concerning future Central American Conferences. The Honduran proposal for the establishment of Central American union was not accepted. (*Foreign Relations, 1907*, p. 708.)

THE CENTRAL AMERICAN COURT OF JUSTICE

Finally, the 1907 conference provided for the establishment of a Central American Court of Justice,⁶⁰ thus returning to the Corinto principle of 1902 in contrast to the principle of arbitration by Mexico and the United States. The Central American Court, which rested upon a separate convention, was to be composed of five judges, one elected by the legislature of each state, for a term of five years and at a yearly salary of \$8,000. The expenses of the court were to be met by the quarterly contributions of each state. In addition to having jurisdiction over all disputes between the five governments, the court was to take cognizance of the claim of any individual in one Central American country against the governments of the other countries provided local remedies had been exhausted and a denial of justice had been shown.⁶¹ The Court was competent to determine its own jurisdiction. As soon as any suit was instituted against a government, the Court could at the request of any party fix the situation in which the contending parties had to remain pending the final decision. The parties agreed to submit to the judgments of the court and "to lend all moral support that may be necessary in order that they may be properly fulfilled, thereby constituting a real and positive guarantee of respect" for the Court.⁶² The life of the court was fixed at ten years. The Central American Court of Justice thus established was a unique institution. All that the other nations of the world had so far been able to do was to create the Hague arbitration system, which merely provided for *ad hoc* tribunals drawn from a panel of names and which had no obligatory jurisdiction.

The Central American Court of Justice was solemnly inaugurated at Cartago, Costa

Rica, in May 1908 in the presence of delegates from the Central American governments, Mexico and the United States.⁶³

THE FIRST CASE BEFORE THE COURT

Soon after the inauguration of the Court, the government of Honduras accused Salvador and Guatemala of again encouraging Honduran émigrés, led by ex-President Bonilla, to revolt against the Dávila government⁶⁴ (which was still considered an ally of Nicaragua's) in violation of the neutrality of Honduras.⁶⁵ Although the Court had not yet drawn up its rules of procedure, it at once invited the three governments to withdraw their military forces from the frontier,⁶⁶ to keep a strict watch over émigrés, and, in the case of Salvador, to suspend temporarily some department commandants stationed along the Honduran border who were suspected of having fomented revolt. Within five days these governments carried out the recommendations, as a result of which the revolution subsided.⁶⁷ The Court then proceeded to judge the case on its merits.⁶⁸ On December 19, 1908 the Court handed down a judgment absolving Salvador and Guatemala from all responsibility of assisting the Honduran revolutionists.⁶⁹ It declared that the mere fact that individuals had crossed from Salvador into Honduras and joined a revolution did not constitute a breach of the 1907 treaty. Governments were not responsible for the acts of factions.⁷⁰ It was necessary for Honduras to prove that Salvador and

60. At the initiative of Salvador, *Actas*, Memoria, p. 229.

61. Article II. The court could also take jurisdiction over cases between governments and individuals when submitted by common accord. An interesting annex provided that if the legislatures saw fit they might also accept the jurisdiction of the Central American Court over conflicts between the legislative, executive and judicial powers, "and when as a matter of fact the judicial decisions and resolutions of the National Congress are not respected." (Convention of December 20, 1907, Malloy, *Treaties of the United States*, cited, Vol. II, p. 2329, 2405.)

62. Articles XVIII, XXV. In accepting the Central American Court, Guatemala reserved the right to request the mediation of the United States and Mexico in case of any difficulty in execution of judgments. Declaration of December 14, 1907, *Actas*, cited, Salvador, Memoria, p. 247. The Salvador delegation had been instructed to propose that "in case of aggression" against a state favored by a Court judgment the other states should act as allies of the offended state. Apparently no action on this suggestion was taken. For the instructions, cf. *ibid.*, p. 210.

63. Costa Rica, Memoria, *Relaciones Exteriores*, 1909, anexos, p. 55 et seq.; *Foreign Relations*, 1908, p. 217 et seq. The Court was housed in a building erected by means of a \$100,000 gift from Andrew Carnegie. In 1910 an earthquake destroyed the building, whereupon Mr. Carnegie donated another \$100,000, with which a second building was erected at San José. Following the death of the Court, this building was occupied by the Costa Rican Ministry of Foreign Affairs.

64. General Lee Christmas, an American adventurer, was a leader of one invading army.

65. It was claimed that Honduras had rejected a proposal from Salvador and Guatemala to overthrow Zelaya.

66. The United States and Mexico made strong representations in support of the Court. (Munro, *The Five Republics of Central America*, cited, p. 218.)

67. Castro Ramírez, *Cinco Años en la corte de Justicia Centroamericana*, p. 32; Munro, *The Five Republics of Central America*, cited, p. 218.

68. This action of the Court, following that attempted in 1906, was similar to that adopted by the League Council in settling the Greco-Bulgarian case of 1925. Cf. "The Anti-War Pact," *F. P. A. Information Service*, Vol. IV, No. 13, November 9, 1928, p. 371.

69. Corte de Justicia Centro-Americana, *Sentencia en el Juicio promovido por la República de Honduras contra las Repúblicas de El Salvador y Guatemala*, 1908 (San José, 1908), p. 1830; also, *Voto del Magistrado por Nicaragua en la Corte de Justicia Centroamericana*, San José, p. 174.

70. Cf. the declaration of the San José Conference, quoted in *Sentencia*, 1908, p. 173.

Guatemala had been guilty of a hostile intent or of evident negligence, and this it had failed to do. While three judges concurred in this opinion, the Honduran and Nicaraguan judges expressed the opinion that Salvador had not fulfilled its obligations under the 1907 treaty. Had it "reconcentrated" the revolutionists, in accordance with Articles XVI and XVII of that treaty, the revolutionary expedition could not have been launched. The Honduran judge also expressed the belief that Guatemala was guilty.⁷¹ Thus the

judges seemed to vote in accordance with the political views of their respective governments—the balance of power in this case being held by the Costa Rican judge. Consequently, criticism arose that the court was more of a political than a judicial body. Nevertheless, according to Dr. Dana Munro, "There could be no doubt . . . that the Court had averted a general Central American war, and had thus done a signal service to the cause of peace."⁷² This view is shared by Dr. Castro Ramírez, a Salvador jurist.⁷³

REVOLUTION IN NICARAGUA

Another test of the Washington treaties of 1907 soon arose in the case of Nicaragua. The relations between President Zelaya and the United States had steadily grown worse. The United States feared that Zelaya would grant a canal concession to a foreign power, thus endangering the American position in Panama.⁷⁴ Difficulties also arose over concessions and claims.⁷⁵ Largely as a result of these disputes, the American Minister, John G. Coolidge, resigned in 1908; and the interests of the United States were eventually left in the hands of Vice-Consul Caldera, a Nicaraguan who had become a naturalized American citizen. No minister was sent to Managua until after the 1909 revolution.

It seems clear also that Zelaya, following the policy of other Central American leaders, instigated revolutions in foreign countries. Thus, he was charged with sending expeditions, not only into Salvador and Honduras, but into Ecuador and Colombia.⁷⁶

In October 1909 a revolution led by Emiliano Chamorro and Juan Estrada broke out on the east coast. Mr. Thomas P. Moffat, the American consul at Bluefields, had advance information that the revolt would occur,⁷⁷ and, according to Estrada, American business interests contributed a million dollars to make it a success.⁷⁸ Shortly after the outbreak of hostilities, the United States landed 400 marines at Bluefields, and thus prevented Zelaya's forces from capturing Estrada.

The State Department at Washington now became concerned over the alleged violations of Costa Rican territory by Zelaya's troops. In reply to a veiled proposal for joint Central American intervention in Nicaragua,⁷⁹ the Costa Rican Minister informed the State Department that his government desired to maintain an attitude of neutrality. Mr. Huntington Wilson, Undersecretary of State, declared, however, that by means of violating Costa Rican territory Zelaya would defeat the revolutionists; Costa Rica should therefore "protest energetically." Subsequently, the American Minister in Costa Rica informed the Costa Rican government that "The United States is ready to intervene in Nicaragua, provided that the Governments of Costa Rica, Guatemala and El Salvador request it."⁸⁰ Costa Rica replied that there was no reason to "take up arms" against Zelaya; any such action, moreover, would be contrary to the Washington treaties; if the dispute could not be settled by ne-

73. Ramírez, *Cinco Años*, cited, p. 31.

74. Two years after the American intervention, a letter dated April 29, 1908 was discovered, supposedly from Zelaya's Foreign Minister to the Nicaraguan Minister in Paris, authorizing him to make overtures to Japan concerning the canal route. (H. N. Denny, *Dollars for Bullets*, New York, The Dial Press, 1929, p. 33.) Some Latin Americans contend, however, that the letter was a forgery.

75. For the Weil and Emery claims, cf. Nicaragua, *Memoria, Relaciones Exteriores, 1906-1907*, p. xxxvii, xli, 182, 218.

76. José María Moncada states that as a result of the civil war in Colombia, aided by Zelaya, the government of Bogotá could not act effectively against the revolt which culminated in the independence of Panama. (Moncada, *Cosas de Centro América*, cited, p. 75.)

77. *Foreign Relations, 1909*, p. 452.

78. Denny, *Dollars for Bullets*, cited, p. 79.

79. Cf. the State Department memorandum, transmitted in the note of the Costa Rican Minister of November 21, 1909 and published in R. F. Guardia, *La Otra Compañía* (San José, Sauter and Company, 1925). Cf. also Vicente Saenz, *Norteamericanización de Centro América* (San José, Talleres de la Opinión, 1925-1926), p. 53, 56, 59. For similar charges, cf. Zelaya, *The Revolution of Nicaragua and the United States*, cited, p. 26.

80. Quoted by Ricardo Jiménez in *La Otra Compañía*, cited, p. 14.

71. Since the Court represented "the national conscience of Central America," a judge could sit in a case in which the government which appointed him was a party. Article XIII.

72. Munro, *The Five Republics of Central America*, cited, p. 219.

gotiation, it should be referred to the Central American Court.⁸¹

NICARAGUA EXECUTES TWO AMERICAN CITIZENS

Having failed to win Central American support against Zelaya, the State Department now proceeded to act alone. The occasion came when, in November, Nicaraguan troops captured Cannon and Groce, two American adventurers who had joined the revolutionists, in the act of laying mines in the San Juan river for the purpose of blowing up two steamers carrying government troops.⁸² After a court martial for the crime of rebellion and an admission of guilt, they were executed.⁸³

Following these executions, which were called an "outrage," Mr. Philander Knox, Secretary of State, broke off relations with Zelaya. In a note of December 1, 1909 he accused Zelaya of being an unprincipled dictator who sought to disturb the peace of Central America "to the great detriment of Costa Rica, El Salvador and Guatemala, whose governments, meanwhile, appear to have been able patiently to strive for the loyal support of the engagements so solemnly undertaken at Washington under the auspices of the United States and Mexico."⁸⁴ According to Secretary Knox, the United States was convinced that the Estrada revolution represented "the ideals and the will of a majority of the Nicaraguans."⁸⁵ At the proper time, the State Department would ask the "constitutional" government of Nicaragua to sign a convention guaranteeing the loyal support of the Washington conventions.⁸⁶

81. Minister Calvo, November 26, 1908, *ibid.*, p. 16.

82. *Foreign Relations, 1909*, p. 447. Article 82 of the Nicaraguan Military Code punished the leaders of rebellion with death. Cannon at one time was chief of police in San Miguel, Salvador, a position which he abandoned in order to join the revolutionary invasion of Honduras in 1908, "sin motivo especial, tan sólo porque la guerra es muy alegre." The court stated that Cannon had also embezzled funds. (*Sentencia, 1908*, cited, p. 71 *et seq.*) A translation of the proceedings of the trial of Cannon and Groce is printed in Zelaya, *The Revolution of Nicaragua and the United States*, cited, p. 139 *et seq.* For General Andrew Jackson's execution of two Englishmen in the Spanish territory of Florida in 1818, cf. Moore, *Digest*, cited, Vol. II, p. 404. The Supreme Court of the United States has ruled that an alien within the territorial jurisdiction of the United States "can claim no exemption from the statutes passed to punish treason." *Radich v. Hutchins* (1877), 95 U. S. 210.

83. A Frenchman, M. Couture, who also had joined the revolutionists but had done little more than act as a doctor in the Red Cross Ambulance Corps, was given one year's imprisonment.

84. Note of December 1, 1909, *Foreign Relations, 1909*, p. 455.

85. *Ibid.*

86. For the Dawson agreements implementing this guarantee, cf. p. 172.

In reply it was contended that Groce and Cannon were unprincipled American filibusters—and not prisoners of war—who had been convicted of violating the laws of the country. If the United States was opposed to dictatorship, why did it not overthrow Estrada Cabrera? Zelaya maintained that it was not he who was guilty of violating the Washington conventions,⁸⁷ but Estrada who was anxious to overturn the Dávila government in Honduras because it was friendly to Zelaya. Estrada also had taken the initiative against Zelaya because with the change of administration in Costa Rica, the majority of the judges on the Central American Court were now friendly to Nicaragua. Zelaya charged that in intervening in Nicaragua, the United States itself had violated the Washington treaties. Any disputes between Nicaragua and the United States should be submitted to arbitration at the Hague, or to mediation by Mexico, he contended. Zelaya proposed that an impartial commission be sent to Nicaragua and declared that if it found his administration was harmful to Central America he would resign. The real reason for the attitude of the United States, in Zelaya's opinion, was that he had refused to consent to the construction of the Nicaraguan Canal, except under guarantees as to Nicaraguan sovereignty and in return for adequate compensation.

OVERTHROW OF ZELAYA

Largely as a result of the Knox note, the Estrada revolution in Nicaragua, actively supported by Estrada Cabrera, intensified its energies, and on December 16, 1909 Zelaya presented his resignation to the Assembly. In his message of resignation he referred to

"... the hostile attitude of a powerful nation, which, against all right, has intervened in our political affairs, and publicly furnished to the rebels the aid they have asked for, upon being conquered everywhere by the heroism of our army."⁸⁸

Zelaya left the country on a Mexican gunboat.⁸⁹

87. Zelaya, *The Revolution of Nicaragua and the United States*, cited.

88. *Foreign Relations, 1909*, p. 459.

89. *Ibid.*, p. 458. The protection thus accorded Zelaya for a time created a somewhat delicate situation between Mexico and the United States. *Ibid.*, p. 459; *ibid.*, 1910, p. 739.

The Nicaraguan Congress now elected as first designate Dr. José Madriz,⁹⁰ who, according to many observers, was one of the most distinguished citizens in the country and would have made an admirable President. Secretary Knox, nevertheless, withheld recognition from Madriz on the ground that the United States was opposed to any one who had been connected with the previous Zelaya régime.⁹¹ General Estrada, therefore, continued his revolution.

CENTRAL AMERICAN COURT ATTEMPTS MEDIATION

Although the Central American Court of Justice had no jurisdiction over internal disputes, it decided, upon the initiative of the Nicaraguan judge, to offer mediation to both parties. In a telegram of April 27, 1910, the Court asked Madriz and Estrada to declare an armistice for a week, during which the Court would mediate between the two parties, thus settling the Nicaraguan question *en familia* (and not by means of the United States). Madriz replied that, because of the absence of communication, it would be impossible to suspend hostilities as the Court suggested. Two days later Estrada declared that he had already proposed to Madriz the friendly mediation of the United States, a country which was "justly admired in the world for its noble efforts on behalf of international peace," but Madriz had replied that the proposal would be an affront to Nicaraguan sovereignty. In view of Madriz's attitude, Estrada could not accept the Court's offer.⁹² After a further exchange of telegrams, the permanent commission of the Court on June 3 repeated its offer of mediation, again reiterating its desire that the Nicaraguan question be settled *en familia*.⁹³

In view of a news report that the United States had decided to intervene and establish a "protectorate over Nicaragua," the Court on June 12 telegraphed the Presidents of Central America, asking them to communicate any details in order to aid its efforts at mediation. On June 26 the Court again of-

ferred mediation to Madriz and Estrada, proposing the withdrawal of both as contenders for the presidency, and the appointment of an executive commission of two members, one from each side, who, after taking an oath before the Court, would assume control of the administration until an election for a constitutional assembly could be held. The Court offered to go to Managua to settle disagreements between the two members of the executive commission and stated that it would withdraw after the elections. Madriz declared that before giving any definite reply he desired to know if Estrada had modified his former proposals. For his part, Estrada declared that he would not accept the mediation of the Court since this would cause "grave offense to the American government. . . ."⁹⁴

Although Secretary Knox in April congratulated the Court upon its first attempt at mediation, there is no indication that the United States urged either Estrada or Madriz to accept. Instead, the armies of Madriz were prevented in May from capturing the capital of the revolutionists at Bluefields by the refusal of a United States war vessel to permit any measures to be taken against the city that would threaten the lives and properties of foreigners;⁹⁵ at the same time American marines were landed.⁹⁶ The American officials, moreover, allowed the Estrada factions to collect customs at Bluefields. In a message to the Nicaraguan Congress, President Madriz protested that

"... in this decisive movement, when the whole country contemplated with satisfaction the restoration of peace, the power of the United States crossed our path, prevented our victory, and gathered once more a cloud of blood and death, which, with sorrow, we again see floating on the horizon of the fatherland."⁹⁷

INTERVENTION OF UNITED STATES

Partly as a result of the protection given him by the United States on the east coast,

94. *Anales*, cited, p. 163; *Foreign Relations*, 1910, p. 755.

95. *Ibid.*, p. 750.

96. Marines were also taken by the U.S.S. *Buffalo* to the vicinity of Corinto. (*Ibid.*, p. 743.)

97. For the text, cf. Juan Leets, *Estados Unidos y la América Latina* (New Orleans, L. Graham and Company, 1912), p. 69. In reply to an appeal sent by the Madriz government to all the Latin-American governments on June 16, Porfirio Díaz telegraphed President Taft suggesting that if the facts were correctly stated the Bluefields blockade be lifted in order to permit the Madriz government "to effect the complete pacification which it offers, since the prolongation of a state of war in Nicaragua perhaps may harm the whole of Central America." Taft replied that Díaz had been misinformed as to the actual facts. (*Foreign Relations*, 1910, p. 753.)

90. At the time, Dr. Madriz was the Nicaraguan judge on the Central American court. Following his election as President, the Nicaraguan Congress chose Paniagua Prado as his successor on the Court.

91. In the Dawson agreement (No. 4) of October 27, 1910, the Nicaraguans agreed that "The Government to be established in Nicaragua must not permit, under any pretext, the Zelayista element in its administration." (*Foreign Relations*, 1911, p. 653.)

92. Telegrams of April 28, 30, 1910, *Anales de la Corte de Justicia Centro Americana*, Vol. I, No. 1, August 1911, p. 149, 150.

93. Cf. telegram of June 6, 1910, *Foreign Relations*, 1910, p. 750; *Anales*, cited, p. 156.

Estrada finally succeeded in forcing Madriz to resign. He took possession of the government in August 1910.⁹⁸ In order to obtain recognition from the United States as Provisional President, he offered among other things to seek an American loan secured by the Nicaraguan customs, and to prosecute those responsible for the death of Cannon and Groce.⁹⁹ Recognizing Estrada, the United States now sent a special agent, Mr. Thomas Dawson, to negotiate concerning these conditions.¹ Although Estrada was unanimously elected President by the Assembly on December 31 (Adolfo Díaz being elected Vice President), the American Minister, Mr. Elliott Northcott, who had been sent to Nicaragua following the fall of Madriz, cabled on February 25, 1911:

"Estrada has given a great deal of thought to the situation and has decided that the only hope for Nicaragua is close alliance with the United States. That his course will be antagonized [*sic*] by practically all the Central American Republics is already beginning to be proved by influences felt here . . . In addition to this, the natural sentiment of an overwhelming majority of Nicaraguans is antagonistic to the United States. . ."

In a dispatch of March 27, Minister Northcott declared:

"As the matter now looks to me, President Estrada is being sustained solely by the moral effect of our support, and the belief that he would unquestionably have that support in case of trouble. . ."

Following the advent of Estrada, the Nicaraguan government obliged Paniagua Prado, the judge elected under the old régime, to "abandon" his post, and on May 27, 1911 the Nicaraguan Assembly selected as his successor, Dr. Gutiérrez Navas. In failing to pay its contribution to the Court, Nicaragua intimated that it would withdraw unless Gutiérrez Navas were accepted. According to the Court convention, the term of a justice should be five years, and vacancies should be filled by substitute judges named at the same time and in the same manner as the regular justices.² Moreover, each government bound itself to remit its contribu-

tion to the Court quarterly. The action of the Nicaraguan government in choosing a new judge to fill Paniagua Prado's position and in failing to pay its quota was criticized in the local press as being in violation of the Central American convention and destroying the independence of the Court. Nevertheless, in a resolution of June 22, 1911, the Court⁴ decided to admit Gutiérrez Navas.⁵ The judges declared that the Court could not over-rule the sovereign act of the Nicaraguan government and that its powers were limited merely to verifying the credentials of the new judge. Had the Court attempted to prohibit Gutiérrez Navas from sitting, the Nicaraguan government probably would have withdrawn immediately from that tribunal.

ADOLFO DIAZ BECOMES PRESIDENT OF NICARAGUA

Adolfo Díaz (a Conservative who had been a clerk in an American firm at Bluefields) became President of Nicaragua in May 1911.⁶ In view of the fact that the Liberals were opposing the proposed American loan, the Minister wired that it was advisable to station a war vessel at Corinto "at least until the loan has been put through." In September President Díaz concluded a contract with American bankers providing for a loan and the creation of a National Bank under their control; as guarantee for the loan, Díaz gave the bankers 51 per cent of the stock of the Nicaraguan railways and consented to the establishment of an American receivership. In December President Díaz proposed to make a treaty with the United States permitting it "to intervene in our internal affairs in order to maintain peace and the existence of a lawful government."⁷

4. Except for the vote of the Honduran judge.

5. "Debate relativo al ingreso en la Corte del Nuevo Magistrado por Nicaragua," *Anales*, cited, p. 11.

6. The American Minister telegraphed on May 11, 1911: "I am assured the Assembly will confirm Díaz in the presidency according to any one of three alternative plans which the Department of State may indicate." He added, "A war vessel is necessary for the moral effect." (*Foreign Relations, 1911*, p. 661.) On June 5 the American Minister reported that President Díaz was supported by the strength of Minister of War, Sr. Mena, "Díaz having in himself no following or strength. . ." (*Ibid.*, p. 664.)

7. The loan contract contained a clause to the effect that the bankers "shall have the right to solicit the United States for protection against the violation of this agreement or aid in imposing its fulfillment." Article 5, Section 2, Convenio sobre Cédulas del Erario, for \$1,500,000. Contract of September 1, 1911, César Arana, *Compilación, Contratos Celebrados por el Gobierno de Nicaragua con los Banqueros de New York* (Managua, Tipografía y Encuadernación Nacionales, 1928), Vol. I, p. 26.

8. *Foreign Relations, 1911*, p. 671.

98. *Foreign Relations, 1910*, p. 762.

99. This was demanded by Secretary Knox in his note of December 1, 1909 breaking relations with Zelaya. Cf. p. 170.

1. For the Dawson agreements, cf. *Foreign Relations, 1911*, p. 651.

2. *Ibid.*, p. 655, 656.

3. Article VI. According to Article VII, however, in case of death, resignation or permanent incapacity, the "vacancy shall be filled by the respective Legislature."

Opposing this policy of placing Nicaragua under American control, General Mena, the Minister of War, embarked upon a revolution against Díaz in August 1912. Immediately after the outbreak of this revolution, the Central American Court passed a resolution (August 5, 1912) naming a commission to go to Nicaragua and offer mediation to the two parties.⁹

This commission proposed an armistice and the creation of a peace commission containing two representatives from each side. General Mena favored negotiation, but President Díaz abruptly rejected the advances of the commission. Nevertheless, the commission delayed several days in Managua in the hope that the President would change his mind. The American Minister declared "it is very doubtful that our offer of mediation would be reconsidered by the Government," but if the commission authorized him to intervene in the case, he would put at the service of the idea, every "conducive" assistance. "The Commission, for reasons which are obvious, abstained from taking such an attitude." It left Nicaragua on September 1.

Before the commission from the Court left for Nicaragua, President Díaz had requested the United States to land marines to protect its newly acquired property interest in the railway.¹⁰ Marines arrived in Managua on August 4. Díaz also received assistance from Conservatives in Honduras. Altogether, the United States landed 2,600 marines who actually fought against the revolutionists, defeating them at Coyotepe Hill.¹¹ Thereafter the United States maintained permanently a legation guard of one hundred men at Managua. President Díaz, in return, not only accepted American financial control, but concluded the Bryan-Chamorro treaty granting the United States the right to build the Nicaragua canal.

9. "La Corte de Justicia Centroamericana y la Reciente Revolución de Nicaragua," *Anales*, Vol. II, Nos. 6, 10, June-October 1912.

According to an alleged note of the Nicaraguan government, the American Minister made an agreement with President Díaz on July 26, 1912 to pay \$200,000 to General Mena to resign without bloodshed. Mena, however, refused this offer. This document also contends that, as a condition for securing American troops in his defense, President Díaz made a formal promise concerning the Nicaragua canal. For the text of this alleged note of September 4, 1913, cf. Nicaragua, *Renacimiento*, August 30, 1925.

10. *Foreign Relations*, 1912, p. 1032. An earlier attempt at mediation had been made by the local diplomatic representatives of the United States, Costa Rica and Salvador.

11. Two Americans, apparently civilians, were killed at León in 1912. (*Foreign Relations*, 1912, p. 104.)

SALVADOR PROTESTS LANDING OF AMERICAN MARINES

Following the landing of the American marines, the Foreign Minister of Salvador sent a note to the Court (September 19, 1912) stating that the occupation of Nicaragua by the United States put this country in an "abnormal juridical situation" not only in the concert of nations, but especially in relation with the rest of Central America. Referring to Article II of the 1907 convention, he contended that the constitutional order of Nicaragua had been altered by virtue of this military occupation. Salvador asked the Court to give an advisory or "doctrinal" opinion on this question in order to determine what duties or rights the Washington treaties gave to the governments concerned.¹²

On October 27, 1912 the secretary of the Court replied that the Court had authority only to give judgments upon actual cases.¹³

Meanwhile, in notes of August 2 and September 23, President Araujo of Salvador appealed directly to President Taft. In the latter note he stated that the action of the United States against Nicaragua "seriously compromises the responsibility of the other Central American Executives." He asked the United States to accept his good offices in arranging that Salvador Calderón become provisional head of Nicaragua until constitutional order was peacefully restored. President Díaz had already agreed to accept Sr. Calderón and Salvador would urge the revolutionists to do so. President Araujo said that Salvador, being a party to the 1907 treaties, believed it was its undeniable duty, which became a right when the interpretation of treaties vitally affecting it was concerned, to declare before President Taft, "in the most frank and respectful form, that the good offices which the United States and Mexico afforded to the Central American plenipotentiaries are always remembered with gratefulness, but that they should be limited to that which they in good faith signify. . ."¹⁴

12. *Anales*, cited, p. 189.

13. For the Ordenanza de Procedimientos of the Court, cf. *Anales*, cited, Vol. II, Nos. 11-16; Reglamento de la Corte de Justicia Centroamericana, *Anales*, Vol. I, p. 339.

14. This note is reprinted in Juan Leets, *Estados Unidos y la América Latina*, cited, p. 79; *Foreign Relations*, 1912, p. 1049. United States Minister Weitzel, in Nicaragua, de-

PRESIDENT TAFT REPLIES TO SALVADOREAN NOTES

In reply to the first Araujo statement, President Taft declared:

"I appreciate your assurance of your ardent desire for peace in Central America and of your sincere friendship. These high motives will doubtless guarantee a strict adherence to and enforcement of the Washington conventions so far as the Government of Salvador is concerned and will undoubtedly insure earnest support by the Government of Salvador of those measures in furtherance of Central American peace which the Government of the United States is taking under the moral mandate of the Washington conventions. . . .

" . . . The United States has no thought of leaving its legation and the lives and safety of its citizens and their property and its important interests in Nicaragua at the mercy of a rebellion based upon no principle and carried on with motives and methods vividly recalling the times of Zelaya and doing the most flagrant violence to all the principles of honor, of humanity, of order and of civilization.

" . . . I regret the rumors, which seem quite incredible, to the effect that the present rebellion in Nicaragua is being assisted from the territory of Salvador. It is not necessary to point out to Your Excellency that the vindication of the policy of Salvador finds its full opportunity in the Washington conventions."¹⁵

These efforts of Salvador on behalf of Central American mediation drew a vigorous protest from the Díaz government. It declared that Salvador's remarks about the abnormal juridical situation of Nicaragua were "offensive to the dignity of the Republic," and that while protesting against

the American marines, Salvador really wished to organize a Central American intervention in Nicaraguan affairs." Denying this charge, Salvador replied that it could not remain indifferent to the presence of the armed forces of the United States in Nicaragua which was "a blow at the sovereignty and integrity of Central America."¹⁶

Thus, the Central American Court of Justice and the government of Salvador attempted to uphold the view that the 1907 conventions should be applied and that Central American difficulties should be settled by Central American institutions, whereas the United States took the view that it had a "moral mandate" to enforce the 1907 conventions. The Nicaraguan government, which owed its existence to the support of the American marines, accepted the view of the United States.

Likewise the State Department warned against any revolution against the Díaz government organized from abroad. Thus, in December 1914, it requested the government of Costa Rica to expel from its territory certain Nicaraguans charged with fomenting revolution. In reply, the Costa Rican government declared that during the seven years since its signature, Costa Rica had complied "strictly" with the 1907 convention, but it could not meet the request of the State Department to expel foreigners, as this would be a violation of its constitution.¹⁷

DOLLAR DIPLOMACY

Not satisfied that the principles of the 1907 conventions, even if enforced by the United States, would insure stability in Central America, Secretary of State Philander C. Knox inaugurated a policy subsequently known as Dollar Diplomacy.

clared that Calderón was not acceptable to Díaz and that President Araujo's real motive was to establish a Central American Union under the auspices of Salvador. (*Foreign Relations*, 1912, p. 1059.)

15. Telegram of September 4, 1912, *ibid.*, p. 1042. Mr. Huntington Wilson in forwarding this dispatch to the American Minister in Salvador declared that he should leave no doubt in the minds of the government of Salvador that its motives and activities were under "considerable suspicion." For the fear of Salvadorean intervention, cf. *ibid.*, p. 1047. This idea of a "moral mandate" was repeated by the State Department in a dispatch of September 4, 1912. (*Ibid.*, p. 1043.) In 1912 Salvador also proposed to Honduras and Nicaragua that some form of Central American financing be worked out, in order to avoid dependence upon the United States. (Salvador, *Boletín del Ministerio de Relaciones Exteriores*; cf. also *Foreign Relations*, 1912, p. 618.)

16. Cf. the note of the Nicaraguan government of December 10, 1912, Salvador, *Boletín del Ministerio de Relaciones Exteriores*, 1912, Vol. V, No. 1.

In a statement to the Senate Committee on Foreign Relations on May 3, 1911, he stated that the principle involved was:

"Shall the Government of the United States make American capital an instrumentality to secure financial stability, and hence prosperity and peace, to the more backward republics in the neighborhood of the Panama Canal; and in order to give that measure of security which alone would induce capital to be such instrumentality, without imposing too great a burden upon the countries concerned, shall this Government assume toward the customs collections a relationship only great enough for this purpose, a relationship, however, the moral effect and potentialities of which result in preventing the customs

17. Note of January 24, 1913, signed by Castro Ramírez, *ibid.*, p. 14.

18. Minister for Foreign Affairs to Minister Hale, December 22, 1914. (*Foreign Relations*, 1914, p. 183.) The 1907 convention contained no obligation to expel émigrés.

revenues of such republics from being seized as the means of carrying on devastating and unprincipled revolutions. . . I feel that upon the decision will depend the question whether the United States can be a useful and beneficent factor north of the Panama Canal, or whether conditions of turbulence will cause this Government, as in the past, frequently to have to take action both futile and troublesome."¹⁹

Secretary Knox later stated that the policy would develop trade between Central America and the southern ports of the United States.

SECRETARY KNOX'S POLICY TOWARD HONDURAN GOVERNMENT

This policy of Dollar Diplomacy of the United States, which had already resulted in the establishment of a customs receivership in Santo Domingo,²⁰ Secretary Knox now attempted to apply in Honduras—a country still governed by President Dávila. Following an abortive attempt in the summer of 1910,²¹ ex-President Bonilla and General Lee Christmas, an American adventurer, organized a second revolution in New Orleans. Here they purchased arms and chartered a steamship—the *Hornet*—which, to avoid the neutrality laws of the United States, they registered at Roatan as a Honduran vessel. The revolutionists were liberally supplied with funds advanced by certain Americans, who in turn wished to secure lucrative concessions from the new government, and with supplies and men from Guatemala.²²

President Dávila, kept informed of the plans of Bonilla and Christmas, apparently believed that he could save himself from overthrow by accepting Knox's plan for American financial control, which was embodied in a convention under which Honduras undertook to conclude a contract for refunding its existing debt and to make a new loan secured on the customs.²³ Hon-

duras also agreed to appoint from a list of names approved by the President of the United States a collector-general of customs.²⁴ The Honduran Consul-General in New York, Juan E. Paredes, was so opposed to the Knox convention that he cabled his resignation.²⁵ President Dávila replied: "Country is at the verge of a disastrous civil war. Only the loan may save it. . . ." The loan convention was finally signed on January 10, 1911—the day after the Bonilla-Christmas expedition took Trujillo.

Less than a week later, the American gunboat *Tacoma* seized the *Hornet*—belonging to the revolutionists—in Trujillo harbor.²⁶ On January 25, Lee Christmas captured the important port of La Ceiba, a task which apparently was facilitated by the establishment of a neutral zone in the port by American and British naval commanders.²⁷ Confronted by the success of the revolutionists, President Dávila telegraphed to President Taft on January 28:

"The Government is resolved to approve convention and loan. To that end, it is necessary that hostilities be suspended to avoid useless bloodshed. If Your Excellency can lend your valuable intervention for the purpose of terminating the war, the people and Government of Honduras will have cause to be grateful. . . ."²⁸

The next day he telegraphed that he would retire, but "only on condition that the United States name or at least approve the nomination of the President for the next term."²⁹

the sum of \$6,000,000 as final payment. ("Default and Repudiations of Foreign Loans," F. P. A. *Information Service*, Vol. IV, No. 11, August 3, 1928, p. 240.) In 1909 the British bondholders proposed a settlement; but the United States "insisted on the substitution of their own scheme. . . ." (*Fifty-Sixth Annual Report of the Council of the Corporation of Foreign Bondholders*, 1929, London, Council House, 1929, p. 229.) When the Knox plan was rejected, the British interests were somewhat irritated. For the difficulties between Secretary Knox and the British government over the Guatemalan debt, cf. *Foreign Relations*, 1913, p. 557 et seq.

24. The purpose of this loan convention, Secretary Knox told the Senate Committee on Foreign Relations, was to justify intervention. "With the convention as it stands any intervention that may occur will be by virtue of a treaty right. Without the convention any intervention there may be must be of an armed and forcible character. Without the convention we must, when unfortunately necessary, intervene. With the convention intervention will probably be rendered unnecessary." (*Foreign Relations*, 1912, p. 583.)

25. Cable of December 24, 1910, which, with other cables, is printed in Juan Leets, *Estados Unidos y la América Latina*, cited, p. 52.

26. Deutsch, *The Incredible Yanqui*, cited, p. 140, Appendix IX. It is not clear under what principle of international law this seizure could be justified.

27. For the details, cf. *ibid.*, p. 141 et seq. The Christmas forces drove the federal forces back, and the only place for them to go was the neutral zone where they were immediately disarmed. Some Hondurans insist that the United States aided the revolutionists in capturing La Ceiba, in order to frighten President Dávila's government into an acceptance of the loan convention. This motive does not seem to be consistent with the seizure of the *Hornet*, however—an act which injured the revolutionists. One American non-combatant was killed in the fighting. (*ibid.*, p. 162.)

28. *Foreign Relations*, 1911, p. 297.

29. *ibid.*

19. *Foreign Relations*, 1912, p. 581, 588.

20. Convention of February 8, 1907, Malloy, *Treaties of the United States*, cited, Vol. I, p. 418.

21. *Foreign Relations*, 1911, p. 294. In August 1910 the American Minister reported the activities of a revolution on the north coast, in which the "assistance of a number of Americans" was expected. (*Ibid.*, p. 292.)

22. For details, cf. Herman B. Deutsch, *The Incredible Yanqui* (New York, Longmans, Green and Co., 1930), p. 102 et seq., and José Luis Barrientos, *La Cuyamel Fruit Company: Puesta en Evidencia* (Guatemala, Muñoz Plaza y Cia., 1928), p. 5. On April 13, 1912 the newly established Bonilla government granted the Tela Railroad concession to an American from New Orleans. (*La Gaceta*, Tegucigalpa, July 29, 1912, p. 765.)

23. *Foreign Relations*, 1911, p. 561. The loan contract provided for an issue by Honduras of 5 per cent bonds at 88, totalling \$10,000,000, \$4,512,000 of which under another agreement was to have extinguished the old British debt, the principal of which was about \$26,000,000, and accrued interest \$124,000,000. In 1926 the British bondholders accepted

HONDURAN PRESIDENT ACCEPTS KNOX LOAN CONVENTION

On January 31 President Dávila placed the loan agreement before the Honduran Congress in secret session. Patriotic demonstrations denounced the convention, and despite the pressure of the President, Congress rejected the convention by a vote of 32 to 4.³⁰ Those Congressmen who voted for the agreement were threatened with personal violence on the streets.³¹ In a manifesto published subsequently, the Honduran Congress declared that the loan convention violated the Constitution. Had it been accepted, the manifesto declared, Honduras would have become an "administrative dependency of the United States."³²

On the same day that the Honduran Congress rejected the convention, the United States instructed its naval officers in Honduran waters to prevent any fighting in Puerto Cortés, in cooperation with the British commander,³³ and to urge an immediate armistice. In offering its mediation, the United States declared that it was actuated by a desire to serve the best interests of Honduras "in accordance with the moral relation of the United States Government to

the situation under the Washington conventions. . . ."³⁴

On March 3, 1911 an agreement was signed on the *U. S. S. Tacoma*, providing for the surrender of arms by both sides, amnesty, and absolute liberty to all political parties in the next election.³⁵ In accordance with this agreement, which was the first peaceful settlement of a Honduran civil war,³⁶ President Dávila resigned and Sr. Bertrand became Acting President. Actually, however, the administration fell under the control of General Bonilla, leader of the revolution, who was elected President (with Sr. Bertrand as Vice President) in October, and was recognized by the United States.

Meanwhile, on February 18, 1911 indictments against Bonilla and certain Americans were brought in New Orleans on the ground of violating the neutrality laws. The jury acquitted the Americans involved, and the federal government *noll prossed* the indictment against Bonilla.³⁷

Critics declare that the Knox policy of Dollar Diplomacy, accompanied by alleged attempts to incite revolution in order to obtain the acceptance of loan contracts, hampered still further the successful development of Central America along the lines laid down by the 1907 conventions.

THE BRYAN-CHAMORRO TREATY

THE UNITED STATES SEEKS NICARAGUA CANAL RIGHTS

Still another incident which affected the development of Central American institutions was the conclusion of the Bryan-Chamorro treaty. In December 1912 the State Department undertook to secure from the Díaz government, which had been saved from overthrow by the United States, the right to construct the Nicaraguan canal. On August 5, 1914 an agreement was signed by William Jennings Bryan and Emiliano Chamorro granting to the United States in perpetuity "the exclusive proprietary rights

necessary and convenient" for the canal, and also the right to establish a naval base on the Gulf of Fonseca,³⁸ and to lease the Great and Little Corn Islands.

Long before this treaty was finally signed, objections arose from each Central American government with the exception of Guatemala.³⁹ Each contended that the treaty violated previous engagements of Nicaragua, and that the provision for an American naval base in the Gulf of Fonseca would threaten the independence of Salvador and Honduras, in violation of the 1907 treaty of

30. Honduras, *Boletín Legislativo*, May 1-8, 1911, p. 112 et seq.

31. *Foreign Relations*, 1912, p. 614.

32. An English translation is published in *ibid.*, p. 577.

33. Certain difficulties had arisen between a British war vessel and the *Tacoma*; cf. Catarino Castro, *Honduras en la Primera Centuria* (Tegucigalpa, 1921), p. 52.

34. Secretary of State to the American Minister, *Foreign Relations*, 1911, p. 298; also note of January 31 from Minister McCreery to President Dávila, *La Gaceta* (Tegucigalpa), February 1, 1911.

35. For the text, cf. *Foreign Relations*, 1911, p. 301.

36. Statement of President Dávila, March 28, 1911, Salgado, *Historia de Honduras*, cited, p. 278.

37. Deutsch, *The Incredible Yanqui*, cited, Appendix VIII.

38. The history of the Bryan-Chamorro treaty will be treated only in broadest outline here, inasmuch as it was discussed in "The United States and the Nicaragua Canal," F. P. A. *Information Service*, Vol. IV, No. 6, May 25, 1928. One of the alleged advantages for such a treaty was that it would be "an effective means for guaranteeing the Washington conventions." (*Foreign Relations*, 1913, p. 1021.)

39. Some writers contend that Guatemala did not protest because of the "pro-American" policy followed by its President, Estrada Cabrera. (Hernández de León, *El Libro de las Efemerides*, cited, Vol. III, p. 233.)

general peace and amity of Washington." Salvador proposed a Central American conference to discuss the proposed treaty—a proposal which Nicaragua opposed.⁴¹ When the treaty was finally proclaimed, Costa Rica and later Salvador brought suit against Nicaragua in the Central American Court of Justice. This tribunal upheld the contention that the Bryan-Chamorro treaty violated the rights of both governments,⁴² and that it was contrary to Articles 2 and 9 of the 1907 treaty of peace and amity.

NICARAGUA AND UNITED STATES IGNORE CENTRAL AMERICAN COURT

Neither Nicaragua nor the United States paid any attention to the decision of the Court, nor did the United States suggest that the question be referred to a different form of adjudication. After calling the attention of the Central American governments to the failure of Nicaragua to respect the award, the Court adjourned and has not since convened.

WILSON'S POLICY OF "CONSTITUTIONALISM"

Before discussing the efforts of the Central American governments to resurrect the court, we shall discuss President Wilson's policy of "constitutionalism"—a policy which, like Knox's Dollar Diplomacy, went beyond the principles laid down in the 1907 American conventions. In March 1913, a week after assuming office, President Wilson sent a statement to the American diplomatic officers in Latin America which declared that one of the chief objects of the new administration was to cultivate the friendship of Latin America,⁴³ but that

"Cooperation is possible only when supported at every turn by the orderly processes of just government based upon law, not upon arbitrary or irregular force. We hold, as I am sure all thoughtful leaders of republican government everywhere hold, that just government rests always upon the consent of the governed, and that there can be no freedom without order based

This series of events by which the United States secured control over Nicaragua, and assisted in defeating the attempted mediation of the Central American Court of Justice and Salvador, led to severe criticism throughout Central America. Nicaraguan émigrés conducted a vigorous campaign against the United States.⁴⁴ A National League for the Defense of Central America was formed and a large number of municipalities in Honduras passed resolutions condemning the "intervention policy" of the United States.⁴⁵ In Salvador press criticism was so severe that in 1911 and again in 1912 the American Minister made representations to the government. In reply, the Salvador government expressed regret that any unfounded charges against the United States had been made, but declared that it could not interfere with the liberty of the press. Moreover, it protested to the American government against the "insults" to Central America frequently published in North American newspapers.⁴⁶

upon law and upon the public conscience and approval. We shall look to make these principles the basis of mutual intercourse, respect, and helpfulness between our sister republics and ourselves. We shall lend our influence of every kind to the realization of these principles in fact and practice, knowing that disorder, personal intrigues, and defiance of constitutional rights weaken and discredit government and injure none so much as the people who are unfortunate enough to have their common life and their common affairs so tainted and disturbed. We can have no sympathy with those who seek to seize the power of government to advance their own personal interests or ambition. We are the friends of peace, but we know that there can be no lasting or stable peace in such circumstances. As friends, therefore, we shall prefer those who act in the interest of peace and honor, who protect private rights, and respect the restraints of constitutional provision. . ."

THE POLITICAL DEADLOCK IN COSTA RICA

Following the adoption of direct suffrage in 1913, Costa Rica, a country which had

41. They also complained bitterly against the "Protector" clause, which was later dropped. For this clause, cf. "The United States and the Nicaragua Canal," cited, p. 114.

42. Salvador, Ministerio de Relaciones Exteriores, Documentos oficiales, *El Golfo de Fonseca y el Tratado Bryan-Chamorro, Doctrina Meléndez* (San Salvador, Imprenta Nacional, 1917). There was a question of whether Nicaragua was to be represented.

43. For some reason the Honduran government did not bring suit, but one of the most detailed criticisms of the Bryan-Chamorro treaty was made by the *Sociedad de Abogados de Honduras*; cf. Dr. Salvador Rodríguez González, *El Golfo de Fonseca en el Derecho Público Centroamericano* (San Salvador, Imprenta Nacional, 1918).

44. Cf. Rosendo Argüello, Salvador Lejarza and Carlos Martínez, *Public Appeal of Nicaragua to the Congress and People of the United States* (New Orleans, June 1914); Rosendo Argüello, *El Filibusterismo Diplomático ante la Conciencia Pública* (Bluefields, Nicaragua, 1912).

45. Verdadero patriotismo, *Centro-Americana*, Acta, 1914, publishes the texts of many resolutions, p. 316.

46. Notes of October 4 and 5, 1912, Salvador, *Boletín del Ministerio de Relaciones Exteriores*, October 1912, p. 45.

47. Circular telegram, March 12, *Foreign Relations*, 1913, p. 7.

been free from successful revolution since 1870, became involved in an indecisive election contest in which none of the three candidates for the Presidency received an absolute majority. Under the Constitution,⁴⁸ the Congress in such circumstances should have elected as President one of the two candidates having received the highest number of votes. But because of political combinations which it is unnecessary to discuss, a deadlock arose which was broken only when the two leading candidates agreed to renounce their rights. Congress then named three designates or Vice Presidents, the first of whom was Alfredo González,⁴⁹ who had not been a candidate and who had not previously held administrative office although he had been a member of parliament. At the same time, Congress decreed that González should assume the position of President. This solution of the controversy was proposed by Federico Tinoco, a member of the Republican group whose candidate had led in the popular election.⁵⁰ Although this solution commanded the support of a large majority of Congress, it was attacked by a minority on the constitutional ground that Congress had no power to elect "designates" until it had first filled the office of President from the two candidates having received the highest number of popular votes.⁵¹ In reply it was contended that Congress had found it impossible to arrive at any decision, and in the absence of any constitutional prohibition, it had the power to settle the question of Presidential succession in any way it saw fit. Nevertheless, a number of individuals brought an action in the Central American Court of Justice to declare the González election illegal. The court ruled, however, that it could not overturn a legislative act which did not affect directly the

right of the petitioner or involve a treaty obligation.⁵²

ALFREDO GONZALEZ BECOMES PRESIDENT OF COSTA RICA

Accordingly, González assumed office on May 8 for a four-year term. From the first his course was strewn with difficulties. While recognized as a man of high principles and of unquestioned honesty, González not only was lacking in administrative experience, but he did not belong to the oligarchy which had traditionally governed the country. His enactment of land and income tax measures, in accordance with a philosophy derived from liberal writings in foreign countries, disgruntled the Costa Rican and foreign property owners. His appointment of Federico Tinoco, to whom he owed his election, as Minister of War was an act which contributed largely to his undoing. The enemies of González soon accused him of nepotism, of suppressing the liberty of the press, and of being "pro-German."⁵³

President González's greatest controversy was over the question of oil. In September 1913 the Costa Rican government signed a contract with the Pearson oil interests of England, giving them control over certain petroleum resources for a period of sixty years.⁵⁴ The American State Department, however, opposed this concession, because of its relation to naval bases, and the proximity of Costa Rica to the Panama Canal.⁵⁵ Apparently it was the representations of the American legation that led to the rejection of the Pearson concession after a secret debate upon its third reading in the Costa Rican Congress.⁵⁶

52. The action charged that the election of González threatened the "constitutional order" of Costa Rica, as envisaged in Article 2 of the General Treaty of Peace and Amity of 1907. Cf. *Anales*, cited, Vol. IV, No. 11-13, p. 1.

53. Tranquillino Chacón, *Proceso Histórico* (San José, Falcó y Borrás, 1920), p. 15; also Lincoln G. Valentine, *The Case of Costa Rica* (New York, M. B. Brown, 1919).

54. *La Gaceta*, 1913, No. 102, p. 549.

55. In 1918 the United States also declared: "It is important that oil concessions in the vicinity of the Nicaraguan Canal should be owned by approved Americans only."

56. Valentine, *The Case of Costa Rica*, cited, p. 13. It is interesting to note that Alfredo González, then a member of Congress, favored the Pearson concession. (*La Gaceta*, November 4, 1913, No. 117, p. 653.) In November 1913 Congress passed a law nationalizing oil deposits, but this did not apply to existing concessions. The original draft of this law was submitted to Congress along with the draft of the Pearson contract. It did not apply to the lands covered by this contract, and had the contract been accepted, the nationalization provisions would have applied only to Pearson's competitors. Congress defeated this effort at a monopoly, however, by rejecting the Pearson contract but accepting the nationalization law. (Cf. *ibid.*, p. 580; also Costa Rica, *Colección de leyes*, 1915, segundo semestre, p. 535.) A number of Costa Ricans holding such concessions now proceeded to organize a *Compañía Nacional de Petróleo*. Dr. Greulich, who subsequently obtained a concession, purchased certain rights from this company.

48. Article 73, paragraph 2.

49. Decree of May 1, 1914, English translation, Costa Rica—Great Britain Arbitration, *Appendix to the Case of Costa Rica* (Washington, Byron S. Adams, 1923), p. 321. (Hereinafter cited as *Appendix*.) Domingo González, Alfredo's father, was named second designate, and Francisco Aguilar Barquero third designate.

50. On April 28, 1914 González signed an agreement at Tinoco's house in which he promised upon becoming President not to enter into contracts involving the national sovereignty, and to hold free elections, etc. Memorial of Fernández Guardia of March 12, 1917, *Foreign Relations*, 1917, p. 313.

51. Cf. the protest of the Civil party, May 4, 1914, *Proceso de la Restauración o la Intervención Americana en Costa Rica* (San José, Alsina, 1922), p. 14. Cf. also the statement of Octavio Quesada Vargas, *ibid.*, and R. Fernández Guardia, *Cartilla Histórica de Costa Rica* (San José, Sauter and Company, 1927), p. 123.

COSTA RICA REJECTS AN ENGLISH OIL CONCESSION

Following the rejection of the British concession, the González government in September 1915 signed a contract with Dr. Greulich of New York for the exploitation of oil in three provinces.⁵⁷ Dr. Greulich appointed as his representative in Costa Rica, Mr. Lincoln G. Valentine of New York, a nephew of Mr. Washington Valentine, a well-known promoter in various Central American countries. According to Mr. Valentine, President González promised to call a special session of Congress to approve the contract, but he delayed in doing so. The President now declared that the contract should be revised, inasmuch as a number of other oil companies which had appeared later on the scene offered better terms than had Dr. Greulich. Valentine, however, accused the President of having become definitely unfriendly to American interests; he also accused him of being pro-German,⁵⁸ and of attacking the Monroe Doctrine. He intimated that British interests were attempting to secure a concession by using an American intermediary.⁵⁹

A few months after signing the contract, Valentine wrote to a New York lawyer that "the most cold-blooded diplomacy must be used" if the contract was to be approved.⁶⁰ About the same time he complained that Sr. Tinoco, the Minister of War, was opposing the contract because of his thirst for money. In a letter of January 7, 1916 Valentine wrote that Tinoco and Sr. Máximo Fernández, president of Congress and candidate of the Republican party at the last presidential elections, were "purchaseable articles that require a good price."⁶¹ Still later Valentine wrote that Tinoco had agreed to help the Greulich contract in return for certain oil shares. The essential item, according to Valentine, was to "keep the Tinocos bought." It was also necessary to divide the Republican party which was in control of Congress. González and Máximo Fernández were both

members of this party; but President González held certain notes representing the party debt contracted by Fernández in the last campaign, and if Fernández refused to follow the President, the President would threaten to foreclose. To relieve Fernández from this pressure, Valentine agreed to advance certain funds.⁶² In this connection Valentine wrote:

"However wrong the step may be from a strictly ethical viewpoint, it was practically the only means of getting the trump cards into our hands. I only regret that it was not done sooner."

THE GONZALEZ CHARGES AGAINST AMERICAN OIL INTERESTS

According to the charges of President González, based upon Valentine's letters, Valentine bribed two presidents of Congress, a number of deputies, the district attorney, a civil judge, several employees of the courts and of the presidential house, as well as the Minister of War.⁶³ It was declared that he distributed \$212,000 in money and \$1,970,000 in shares for this purpose, and that he also promised Tinoco one per cent of the total production.⁶⁴ Whether or not as a result of this influence, the Costa Rican Congress approved the Greulich contract, with certain amendments, in August 1916. President González, however, vetoed the contract.⁶⁵ Meanwhile, he proceeded to negotiate a loan in New York to remedy the financial difficulties through which the country was passing. Valentine now worked to have the veto overturned and the loan dropped. On September 23 he protested that the loan would be used by the President "to buy" Congress. Writing to Mr. Herbert Noble, a New York lawyer, on September 30, he predicted the downfall of the González régime:

"It will not last long—probably days only. Congress designated González; Congress will designate his successor—González has neither Congress nor army nor party; and the treasury is so depleted that the current expenses of the administration cannot be met."⁶⁶

Valentine's threats aroused another American in Costa Rica, Mr. E. L. Wayman, to write to Mr. Noble:

57. *El Contrato Pinto-Greulich y el Estado, El Problema de la Caducidad* (San José, Aisina, 1922), p. 97.

58. Valentine, *The Case of Costa Rica*, cited, p. 35.

59. Amory and Son, of New York, which later obtained a concession from the Tinoco government, admittedly acted on behalf of British oil interests. *Arbitration between Great Britain and Costa Rica*, Opinion and Award of William H. Taft. Sole Arbitrator (*American Journal of International Law*, Vol. 18, No. 1, January 1924, p. 171.)

60. Cf. special articles, *New York Herald*, November 19-23, 1918.

61. *Ibid.*, November 19, 1918.

62. Cf. letter of June 26, 1916, *ibid.*, November 21, 1918; also Valentine, *The Case of Costa Rica*, cited, p. 92.

63. Letter to Senator Hitchcock of September 21, 1918, *New York Herald*, November 18, 1918.

64. González, *Manifiesto a mis Compatriotas*, November 28, 1919.

65. Veto Message of August 21, 1916. Reprinted in Alfredo González, *El Petróleo y la Política en Costa Rica* (San José, Imprenta y Librería Trejos Hermanos, 1920), p. 74.

66. *New York Herald*, November 22, 1918.

"A man like this is liable to bring on international complications of a serious nature. When foreigners speak about deposing the President and run amuck in every direction it certainly seems time to put the lid on . . . if you do not get Valentine out of here promptly, I am afraid there will be such a mess up in New York over the whole business that there will not be a banker willing to invest a single dollar in Costa Rica."⁶⁷

THE TINOCO COUP D'ETAT

While Valentine was successful in getting Congress to overturn the veto of the Greulich contract by the necessary two-thirds vote,⁶⁸ he failed in his opposition to the loan. On January 25 the Minister of Hacienda received a telegram from New York declaring that "Equitable lawyer has advised that we can make loan without the approval of Congress," and that the contract would be ready two days later. On this date, General Tinoco executed a comparatively bloodless *coup d'état* which obliged Alfredo González to take refuge in the American legation and later to go to New York.⁶⁹ A few days previously, Valentine had transferred his oil concession to the Sinclair interests, and left the country.⁷⁰

The extent to which Lincoln Valentine was responsible for the Tinoco revolt has been hotly debated. González definitely charged that the conflict over the oil concession was the principal cause of the revolution of January 27, 1917.⁷¹ A committee of the Costa Rican Congress in 1920 declared that the Valentine incident was a "case of filibustering, without precedent in the history of

Latin America." The Valentine correspondence had proved that Valentine had been guilty of "perfidious activities" and that he had aided Tinoco with money in order to carry out his "treason."⁷² The Congress as a whole also declared that Valentine had used "illicit" means, such as bribes, to obtain his concession.⁷³

Mr. Valentine denied that he was in any way responsible for the Tinoco revolt. Thus he wrote that this revolt

" . . . was unwelcome because Mr. Tinoco had never been considered a friend of the oil enterprise. . . That the author had no interest in overthrowing the González government and placing the Tinoco régime in its stead is clearly shown by the fact that the oil concession at the bottom of the story was properly granted and capitalized during Don Alfredo's term of office. . ."⁷⁴

The concession had been approved by a two-thirds vote two and a half months before the revolt. While Valentine denied having bribed Tinoco, he admitted that he had made certain payments to Costa Rican officials for "services" and that he had advanced funds to cover Fernández's campaign debt.⁷⁵

Whatever the relationship of foreign interests to the Tinoco régime may have been, there is no doubt but that at first the new government was popular throughout the country. Many Costa Ricans had been antagonized by the policies and personality of González and welcomed a change.⁷⁶ Tinoco, consequently, had no difficulty in placing his régime upon a constitutional basis. An election for deputies to serve not only as a constituent assembly, but in the new Congress, was now called; moreover, while voting for these deputies, the voters were to ballot for a President.⁷⁷ Until the adoption of a new constitution, the 1871 Constitution was to remain in force.⁷⁸ As a result of the elections held April 1, 1917, Tinoco received 61,000 votes against 259 for another candidate.⁷⁹

The Constitutional Assembly now proclaimed Federico Tinoco President, and his

67. *Ibid.*, November 23, 1918.

68. Decree of November 12, 1916. The original veto of the President had not been countersigned by a Cabinet Minister. This led Máximo Fernández, president of the Congress, to declare that it was illegal. This question became obsolete when Congress overturned the veto. Nevertheless, its decree to this effect was published without the signature of the President; and following Tinoco's overthrow, the Congress asked the President to nullify the Greulich contract, partly on this legal ground. (Cf. *Documentos relativos al Proyecto de Contrato Petrolero Pinto-Greulich*, San José, Imprenta Nacional, 1920.) While the President declined to do so, the Greulich contract was finally declared null in 1926, on the ground of non-fulfillment of its terms.

69. In a proclamation of January 27, 1917 Tinoco declared that González had sought to perpetuate himself in power in violation of the Constitution; but four members of the González cabinet said that González had definitely refused to consider a proposal for a second term. (Cf. Memorandum of Manuel Castro Quesada, *Foreign Relations*, 1917, p. 311.)

70. Certain charges were made that the United Fruit Company aided the revolution. Minor C. Keith, founder of the company, was a business partner of Federico Tinoco. For the charges, cf. *Foreign Relations*, 1917, p. 312. The first news of the Tinoco revolt to reach President Wilson came from Mr. Samuel Untermyer, who was with Mr. Keith on his yacht off the coast of Florida. (*New York Tribune*, June 21, 1918.) On January 24, 1918, however, Mr. Keith made an affidavit to the effect that he had no previous notice that the revolution was contemplated, nor was he consulted by any one regarding the revolution. He was not in Costa Rica at the time the revolution occurred. He supported the recognition of the Tinoco government on the ground that it was the *de facto* government. He declared that no employee of the United Fruit Company took any part in the organization of the revolt.

71. Letter to Senator Hitchcock, cited.

72. *Documentos relativos al Proyecto de Contrato Petrolero Pinto-Greulich*, cited, p. 48.

73. Cf. the preamble of the decree of July 8, 1920, asking judicial action to set aside the Greulich contract. (*Ibid.*, p. 57.) President Acosta, however, was more reserved. Cf. p. 180, footnote 68.

74. Valentine, *The Case of Costa Rica*, cited, p. 60, 88.

75. *Ibid.*, p. 92.

76. A government commission (report of May 26, 1920), although recommending the indictment of Tinoco, declared that the "country applauded" his election in 1917. For an English translation of this report, cf. *Appendix*, cited, p. 362.

77. Decree of January 28, 1917 and February 23, 1917, *Appendix*, cited, p. 396, 399.

78. *Ibid.*, Decree of April 20, 1917, p. 405.

79. On April 2 the American Minister reported "Voluntary vote small. Reports of flagrant ballot box stuffing." *Foreign Relations*, 1917, p. 321.

brother, Joaquín Tinoco, first designate. The latter also became Minister of War. Finally, the Assembly drew up a new constitution which extended the term of the President and the members of Congress from four to six years, and established a Senate.

Despite his election and the new constitution, which made Tinoco eligible for recognition under the 1907 treaty, and the original popularity of the revolution, President Wilson from the first declined to recognize him. The reason for Wilson's attitude was, first, his doctrine of "constitutional government,"⁸⁰ and second, the belief that Tinoco had come into power as a result of the machination of American business interests.

THE UNITED STATES REFUSES TO RECOGNIZE TINOCO

On February 9, 1917 Secretary Lansing declared, in a communication to the American Ministers in Central America, that the recent Tinoco revolt was "viewed with the gravest concern. . . Illegal acts of this character tend to disturb the peace of Central America. . ." The United States desired to set forth "in an emphatic" manner that it would not recognize Tinoco "unless it is clearly proven that he is elected by legal and constitutional means."⁸¹ On February 17 Lansing declared that even if elected, Tinoco would not be recognized. The State Department warned that the United States would not grant diplomatic support to any claim arising out of dealings with the Tinoco government.⁸²

Not content merely with withholding recognition from Tinoco, the State Department, in June 1917, urged Tinoco to resign so that a government commanding "popular confidence" might be established.⁸³ Tinoco, nevertheless, strove to win recognition. Early in 1917 the Tinoco representative, doubtless with this end in view, offered to place the Costa Rican waters and ports at the disposal of the Allies; in September of the same year, the Tinoco government severed rela-

tions with Germany; and in May 1918⁸⁴ war was declared. To assist in this campaign of recognition, Tinoco attempted to engage the services of William Jennings Bryan, formerly Secretary of State.⁸⁵

Tinoco's efforts to secure recognition were vigorously opposed by Alfredo González, who came to the United States immediately after the *coup d'état*. Detectives working for González in 1918⁸⁶ obtained the confidential correspondence of G. Lincoln Valentine, which showed how Valentine had influenced Tinoco in order to secure the oil concession already discussed. This correspondence was published in the *New York Herald* in November. The charges against Valentine were also vigorously prosecuted in a Spanish publication, *La Reforma Social*, edited by Jacinto López. Valentine replied to these articles in a pamphlet entitled *The Case of Costa Rica*. While he admitted the authenticity of the stolen documents, Valentine not only denied that he had caused the Tinoco revolution, but declared that the struggle was really over the question of whether Germany or the United States should dominate Costa Rica, and therefore the Panama Canal, during the World War. President Wilson, however, declined to change his attitude.⁸⁷

NICARAGUA ALSO WITHHOLDS RECOGNITION FROM TINOCO

Secretary Lansing also informed the other Central American governments that the recognition of Tinoco would not be regarded as "evidence of a friendly feeling toward the United States."⁸⁸ Nevertheless, except for Nicaragua, which followed the United States, all of the Central American governments extended recognition. Tinoco was also recognized by Argentina, Bolivia, Chile, Haiti, Switzerland, Germany, Denmark, Spain,

85. Cf. letters of September 30, and November 12, 1918 to Mr. Bryan from J. Rafael Oreamuno. Apparently Mr. Bryan withdrew following protests from the Alfredo González group.

86. It is charged that the secret service of the United States Department of Justice also played a part. (Valentine, *The Case of Costa Rica*, cited, p. 82.)

87. Cf. Valentine, *The Case of Costa Rica*, cited, p. 8. On the other hand, the Navy Department reported that Estrada Cabrera supplied arms to Tinoco upon the eve of the revolt. (*Foreign Relations*, 1918, p. 234.) Moreover, a Nicaraguan who had been associated with Zelaya and who became Minister of Foreign Affairs under Moncada was Tinoco's military adviser. (*Ibid.*, p. 251, the Costa Rican Minister (Quesada) to the Secretary of State, March 28, 1918.)

Upon receiving reports that Tinoco was trying to obtain arms in Guatemala, Secretary Lansing telegraphed the American Minister there to intimate to Estrada Cabrera that Tinoco should not succeed. Estrada replied that he would not allow the purchase. The American Minister also "cautioned" as to any such shipments being taken on an American vessel. (*Ibid.*, p. 267.)

88. September 21, 1917, *Foreign Relations*, 1917, p. 343. This note was not sent to Guatemala, apparently because Estrada Cabrera had already agreed to follow the United States.

80. Cf. p. 177.

81. *Foreign Relations*, 1917, p. 306. It is noteworthy that the United States failed to mention the 1907 recognition convention in this statement.

82. Statement of February 17, 1917, *ibid.*, p. 308. The United States is reported to have warned the Royal Bank of Canada, which had a branch in San José, that it would regard any help given by the bank to Tinoco as an "unfriendly act." (Cf. *Appendix*, cited, p. 486.)

83. Mr. Lansing to Chargé Johnson, June 9, 1917, *Foreign Relations*, 1917, p. 326.

84. Cf. Warren H. Kelchner, *Latin American Relations with the League of Nations* (World Peace Foundation Pamphlets, 1930), p. 39.

Mexico, Holland, the Vatican, Colombia, Austria, Portugal, Rumania, Brazil, Peru and Ecuador. Undoubtedly because of the attitude of the United States, which had entered the World War at about this time, Great Britain, France and Italy did not recognize Tinoco; nor, despite the fact that the Tinoco government declared war against Germany, was Costa Rica allowed to attend the Paris Peace Conference.⁸⁹

While Tinoco did not become "pro-German" as a result of the attitude of the United States, some of his followers did become "anti-American." After the publication of another State Department non-recognition statement in May 1918, the Costa Rican Congress passed a resolution declaring that such a statement had "created a painful impression."⁹⁰ A few months later Tinoco's police charged a crowd which was celebrating the Armistice in front of the American legation. Apparently this action was provoked by a speech of the American chargé, Mr. Johnson, to the effect that since Kaiserism had gone down to defeat in Germany, there was hope that Kaiserism would be done away with "wherever on this continent it still may flourish."⁹¹ The American chargé, provoked by the action of the police, telegraphed the State Department that if it considered an apology from Tinoco necessary, a war vessel should be sent immediately.⁹² Secretary Lansing replied that in view of Tinoco's action the legation should be closed, and the chargé should return to the United States. The American consul, Mr. Benjamin Chase, was left in charge. The Costa Rican police again fired upon an anti-Tinoco demonstration before the American consulate in June 1919.⁹³

COSTA RICAN EMIGRES PLAN REVOLT AGAINST TINOCO

Encouraged by the refusal of the United States to recognize Tinoco, Costa Rican émigrés now organized revolts in Panama,

Nicaragua and elsewhere. At one time the Nicaraguan and Honduran governments considered a plan for assisting a revolution against Tinoco. Upon being consulted by Honduras, the United States declared that it could not approve such armed activities. A constitutional government should be established only by the "moral forces" of the Costa Ricans.⁹⁴ This attitude of the United States was protested against by ex-President Alfredo González who declared that the "suffering Costa Rican people" were ready "to shed their blood for the liberation of their country."⁹⁵ Nevertheless, a revolt against Tinoco broke out in February 1918. It was suppressed, and its leader, Fernández Güell, was later assassinated. A second revolutionary force, organized in Nicaragua⁹⁶ and led by Julio Acosta, entered the province of Guanacaste in May 1919. It also was unsuccessful.

During this month Julio Acosta, leader of the revolt, asked the Salvadorean government to recognize the belligerency of the revolutionists. This request led Salvador to suggest a Central American mediation between the two Costa Rican factions, in order to forestall the danger of foreign intervention.⁹⁷ The situation of a "non-recognized" country was grave. Although the proposal was resented by the Tinoco régime, Frank Polk, then Acting Secretary of State at Washington, declared that the Salvadorean proposal "seemed to be in accord with the spirit of the Washington conventions."⁹⁸ But before any definite steps could be taken, Tinoco was overthrown.

GROWING UNPOPULARITY OF THE TINOCO REGIME

While their régime was at first popular, the Tinocos had felt obliged to expand the military force from 300 to 20,000 men, to interfere ruthlessly with the school system, which had been the pride of the country,

89. Cf. The Taft Award, *American Journal of International Law*, cited, p. 147; also "Invasion of Costa Rica" (Message from the President of the United States), *Senate Documents*, Vol. 15, 66th Congress, 1st Session, Doc. 77.

90. *Foreign Relations, 1918*, p. 257, 260.

91. *Ibid.*, p. 272, 275. About the same time, the American consul reported that "there will neither be peace nor security for life or property in Costa Rica until the whole party now running affairs are ousted by whatever means necessary. . . ."

(*Ibid.*, p. 274.)

92. *Ibid.*, p. 272.

93. The American consul cabled for a warship, and the next day one arrived at Port Limón. Influenced by representatives of the A. B. C. powers, the State Department would not, however, allow marines to be landed. On June 21, 1919 Senator Walter Edge demanded an explanation from the Department. Cf. the letter of C. S. Caldwell, *New York Times*, August 28, 1919, reprinted in *Appendix*, cited, p. 580.

94. *Foreign Relations, 1918*, p. 270. In May 1919 the State Department urged President Chamorro of Nicaragua to prevent the organization of an expedition into Costa Rica. Cf. "Invasion of Costa Rica," cited.

95. Telegram of November 12, 1918, *Appendix*, cited, p. 564.

96. Two Costa Rican writers declare that it received the help of the Nicaraguan government. (Guardia, *Cartilla Histórica de Costa Rica*, cited, p. 125; also *Proceso de la Restauración o la Intervención Americana en Costa Rica*, cited, p. 191.) The Nicaraguan government, for its part, claimed that Tinoco had moved an army of 6,000 toward the Nicaraguan border and contemplated invasion. It asked the aid of the United States.

97. Telegram of July 3, 1919, "Contiene la Actuación de la Cancillería Salvadoreña relacionada con los acontecimientos políticos de la República de Costa Rica," *Libro Rosado* (República de El Salvador, Ministerio de Relaciones Exteriores, 1919), p. 24.

98. Telegram of July 14, 1919, *ibid.*, p. 65.

to suspend constitutional guarantees recurrently and to fill the penitentiaries with political prisoners, some of whom were subjected to torture. At the end of his 30 months' rule, President Tinoco had depreciated the currency and increased the internal debt to the extent of 22,000,000 *colones*.⁹⁹

The original popularity of the Tinoco régime having been destroyed as a result of these measures, agitation now increased. On June 13, 1919 the women school teachers of San José made a public demonstration against the government, which was followed by a mutiny in the barracks.¹

Finally, however, on August 9 President Tinoco went before Congress and asked permission to leave the country in order to repair his health.² On the same day his brother Joaquín, who was Minister of War and first designate, resigned. In his place Congress appointed as first designate General Juan Bautista Quirós, who had been an associate of President Tinoco. The next day Joaquín, who was planning to go to Italy as Minister, was assassinated. On August 12 President Tinoco definitely resigned "for the purpose of removing every danger for the independence and integrity of my country." At the same time he summoned Juan Bautista Quirós to serve as President.

UNITED STATES REFUSES TO RECOGNIZE QUIROS

Many months before, Alfredo González, envisaging the prospect of Tinoco's overthrow, declared that he should be succeeded by Francisco Aguilar Barquero, the third designate elected in 1914 under the 1871 Constitution.³ Secretary Lansing accepted this view; and upon the accession of Quirós to power, he cabled on August 30, 1919:

"The governmental power should be deposited in the hands of Francisco Aguilar Barquero, successor to the executive power, under the Alfredo González régime. Barquero should hold free and open elections for president at earliest possible date. Were this done, it would appear that the necessary legal formalities had been complied with to constitute a legitimate government worthy of recognition by the Government of the United States."⁴

99. Chacón, *Proceso Histórico*, cited, p. 111 et seq.; Tomás Soley Güell, *Historia Monetaria de Costa Rica* (San José, Imprenta Nacional, 1926), p. 159.

1. In April the Tinocos, according to Johnson, the American chargé, expressed fear of resigning lest they be assassinated. (*Foreign Relations*, 1918, p. 257.)

2. For the decree, cf. *Appendix*, cited, p. 548.

3. *Foreign Relations*, 1918, p. 261. González as Acting President was not eligible for a second term, while the second designate declined to serve.

4. *Appendix*, cited, p. 576.

In pressing Lansing's demand for the resignation of Quirós, the American consul is reported to have declared that "there were American vessels and marines to enforce the order." After consulting a Council of Notables, Quirós resigned in September, having been President twenty days, in favor of Aguilar. Four days later, Mr. Philipps, Assistant Secretary of State, cabled that the United States was gratified at the succession. But "it should be clearly understood that this is with the end of calling" a general Presidential election. He also stated that a general amnesty for all political criminals imprisoned or expelled by Tinoco should be declared, and that Julio Acosta and his followers should be invited to return to Costa Rica and take part in the elections.⁵ Nevertheless, it does not appear that the United States recognized Aguilar.⁷

Aguilar stayed in office from September 1919 to May 1920. His chief task was to restore the 1871 Constitution and to hold new elections for the presidency and for Congress.⁸ These elections, which took place in December, resulted in the victory of Julio Acosta, who had been a leader in the anti-Tinoco revolution.

COSTA RICANS RESENT AMERICAN INTERFERENCE

Many Costa Ricans resented the fact that an internal political situation should be influenced thus by the State Department at Washington. The Department's insistence upon making Aguilar President for the purpose of "restoring constitutional government" was particularly criticized. While it was true that Aguilar had been elected third designate in 1914, his term had been only for four years and had therefore expired in 1918. To insist that he was the "legitimate" President a year later, many Costa Ricans regarded as fantastic.

Following Lansing's cable of August 30, one paper, *La Verdad*, declared:

"A ukase from the government of Washington has inscribed Costa Rica in the catalogue of colonies conquered by the United States." Mr. Philipps' subsequent telegram was declared to be an "insolent order, particularly because it came from a subordinate official," and an offense against "the national sovereignty."

5. *Proceso de la Restauración*, cited, p. 189.

6. A Spanish translation is published in *ibid.*, p. 201.

7. Guardia, *Cartilla Histórica de Costa Rica*, cited, p. 127.

8. Cf. decrees Nos. 1 and 3, September 2 and 3, 1919, *Appendix*, cited, p. 336.

9. *Proceso de la Restauración*, cited, p. 44, 201.

Mr. John Foster Dulles, who recommended the recognition of Tinoco after an investigation for the State Department in 1917, has declared that the refusal of the United States to recognize Tinoco "began a process of economic strangulation." Subjected to the financial pressure of the United States, because of its non-recognition policy, the country was soon "squeezed dry, the school system and the posts and telegraphs disorganized, and a decade of progress had been lost."¹⁰

Supporters of the Wilson policy, in reply to these general criticisms, declare that the recognition policy of the United States had little to do with the economic and financial difficulties of the Tinoco régime. These were the result, they declare, either of conditions created by the World War, or of Tinoco's incompetence and dishonesty. It is also contended that the people of Costa Rica were heartily sick of Tinoco's régime and would have overthrown it regardless of the United States. Some Costa Ricans welcomed any outside aid in bringing about its overthrow.¹¹ Finally, had Wilson recognized Tinoco, he would have been accused, so it is alleged, of acting on behalf of American business interests who wished to see Tinoco's advent to power for selfish reasons.¹² Nevertheless, in failing to take into account the 1907 recognition treaty or to consult the other Central American republics it is contended that President Wilson succeeded in weakening the principle of Central American cooperation, just as had President Taft.¹³

10. Mr. Dulles adds: "If, in lieu of this procedure, we had landed marines in Costa Rica promptly when the revolution occurred, the government of Tinoco would have departed over night, there would have been no loss of life and there would have been spared the economic loss to the country which bore so hardly on the many innocent persons. The policy which we did adopt, although it could not be said to involve the slightest infraction of the highest theoretical standards of international law, in fact constituted an interference of a most burdensome character." Mr. Dulles' recommendation was accepted by the State Department but not by the President. (J. F. Dulles, "Conceptions and Misconceptions Regarding Intervention," *Annals of the American Academy*, July 1929, p. 103.) In June 1918 the United States said it would consider the suggestion of President Chamorro of Nicaragua to prohibit ships from calling at Costa Rican ports. (*Foreign Relations*, 1918, p. 265.)

11. Cf. Alfredo González, *Manifiesto a Mis Compatriotas*, cited, November 28, 1919.

12. Cf. p. 179.

13. In arbitrating the validity of certain claims of the British government against the Tinoco régime, Chief Justice Taft subsequently ruled that the Tinoco régime had been a *de facto* government whose acts affecting foreigners were valid under international law:

"The merits of the policy of the United States in this non-recognition it is not for the arbitrator to discuss, for the reasons that in his consideration of this case, he is necessarily controlled by principles of international law, and however justified as a national policy non-recognition on such a ground may be, it certainly has not been acquiesced in by all the nations of the world, which is a condition precedent to considering it as a postulate of international law. Such recognition, when determined by inquiry, not into its *de facto* sov-

THE HONDURAS REVOLUTION OF 1919

A second opportunity for the application of the Wilson doctrine of "Constitutionalism" occurred at the time of the Honduras revolution of 1919.¹⁴ This revolt broke out against President Bertrand in August on the ground that he was attempting to control the October elections.¹⁵ On September 8 the American Minister, Mr. T. Sambola Jones, sent a note to the President expressing "the gravest concern" at the revolution in progress. The United States felt that a peaceful agreement should be reached between President Bertrand and the Opposition which would end the existing situation and guarantee free elections. Furthermore, Washington hoped that the President would invite the good offices of the United States, as was done in 1911. In case the President was not willing to take this action, the United States "will be obliged to consider actively assisting in the re-establishment of order and in the overseeing of the coming Presidential elections." Minister Jones asked for a reply "at the earliest moment." Although President Bertrand insisted that his régime was the legally constituted government, he resigned on September 8, placing authority in the hands of the Council of Ministers.¹⁶

The next day the American Minister, in the name of the diplomatic corps, sent a note to the military commanders throughout the Republic stating that the revolution had

ereignty, but into its illegitimacy of origin, cannot outweigh the evidence disclosed by this record before me as to the *de facto* character of Tinoco's government, according to the standard set by international law.

"... To hold that a government which establishes itself and maintains a peaceful administration, with the acquiescence of the people for a substantial period of time, does not become a *de facto* government unless it conforms to a previous constitution would be to hold that within the rules of international law a revolution contrary to the fundamental law of the existing government cannot establish a new government. This cannot be, and is not, true. ... To speak of a revolution creating a *de facto* government, which conforms to the limitations of the old constitution is to use a contradiction of terms. ... The issue is not whether the new government assumes power or conducts its administration under constitutional limitations established by the people during the incumbency of the government it has overthrown. The question is, has it really established itself in such a way that all within its influence recognize its control, and there is no opposing force assuming to be a government in its place? Is it discharging its functions as a government usually does, respected within its own jurisdiction?" (Cf. The Taft Award, *American Journal of International Law*, cited, p. 153.)

14. Cf. p. 177.

15. Cf. the various editorials and letters to this effect, printed in Castro, *Honduras en la Primera Centuria*, cited, p. 96.

16. For the decree, cf. Honduras, *Renacimiento*, September 30, 1919, p. 5. President Bertrand now left Tegucigalpa under the protection of Rear Admiral Wood of the American Navy.

ended and that the diplomatic and consular corps recommended to every "patriotic citizen to unite to sustain the Government, which gives guarantees that the people will be given every opportunity to express its preferences at the next elections." In another communication Minister Jones asked the leaders of the revolt to stop fighting. Elections were held subsequently in October and resulted in the victory of General López Gutiérrez, the leader of the revolution,¹⁷ who was recognized by the United States after assuming office on February 1, 1920. In this case, far from supporting the constitutional authorities, the United States threw its weight on the side of the revolutionists.

THE REVOLT AGAINST ESTRADA CABRERA

A third revolution occurred in the spring of 1920, this time against Estrada Cabrera, who had ruled Guatemala with an iron hand since 1898.¹⁸ The movement was led by the Unionist party, which was organized toward the end of 1919 ostensibly to work for Central American union. Members of the party did not carry arms and they worked only through constitutional means; nevertheless, the President imprisoned a large number of the party leaders. As popular sentiment against the highhanded and oppressive acts of the dictator grew, the State Department on March 17, 1920 instructed the American Minister, Mr. Benton McMillin, to inform Estrada that it was highly desirable:

1. That he recognize all the rights guaranteed by the Constitution.
2. That he should not attempt to repress the normal political activities of the people.
3. That no further arrests be made for political reasons.
4. That in no circumstances or under no conditions should prisoners be subjected to torture or even flogging.¹⁹

Estrada Cabrera declared that in view of the very serious situation in Guatemala, he would place the fate of the country in the

hands of the American government.²⁰ In reply, the State Department declared that if Estrada would accept the four points it had enumerated, the Legation would issue a declaration that the United States had confidence in the promises of the President and would deplore an attempt to overthrow the constituted authorities. As a result of negotiations, in which the diplomatic corps participated, Estrada accepted these terms.

UNITED STATES SUPPORTS ESTRADA CABRERA

Following this agreement and a proclamation of Estrada, the American Minister on April 4 issued this declaration:

"The steady policy of the Government of the United States is to encourage Constitutional Government and free elections in Central America. Having the greatest interest, therefore, in the constitutional progress of Guatemala, the Government of the United States has learned with great pleasure of the proclamation of President Estrada Cabrera regarding constitutional guarantees, and has confidence, in view of the statements just made to this Government by President Estrada Cabrera, that he will faithfully carry out the reforms proclaimed.

"The Government of the United States is opposed to revolutionary measures, and firmly believes that in view of President Estrada Cabrera's proclamation there is no excuse for the starting of a revolutionary movement in Guatemala, and that therefore, in the eyes of the civilized world, the gravest responsibility would rest with any man or group of men who would venture to start such a movement. The Government of the United States particularly desires to see peaceful, constitutional progress in Guatemala and would regard with horror any actions which would cause a needless and inexcusable revolution to be commenced in that country."²¹

Failing to keep his word, Estrada resumed his policy of arresting the Unionists, until at its session of April 8 the Assembly, despite the fact that the majority of its members owed their position originally to Estrada, passed a resolution declaring that since the President was insane, he was "separated" from his office and should leave the country.²² At the same time Carlos

17. Rómulo E. Durón, *Bosquejo Histórico de Honduras* (San Pedro Sula, Tipografía del Comercio, 1927), p. 206.

18. Cf. C. Marroquín Rojas, "La Bomba," *Historia del Primer Atentado contra Estrada Cabrera* (Guatemala, Imprenta Muñoz Plaza y Cía, January 1930), and "Los Cadetes," *Historia del Segundo Atentado contra Estrada Cabrera* (Guatemala, Sánchez and De Guise, 1930); Carlos Wyld Ospina, *El Autócrata* (Guatemala, Sánchez and De Guise, 1929).

19. This correspondence was submitted to the Senate by President Wilson January 18, 1921, in a report of Acting Secretary of State Norman H. Davis, "President Estrada Cabrera of Guatemala," *Senate Documents*, cited, Vol. 16, 66th Congress, 3rd Session, Doc. 357.

20. J. López, "La Revolución de Guatemala" (*La Reforma Social*, Vol. XX, 291 (1921)). This was regarded by some as an appeal for intervention.

21. *Diario de Centro América*, April 4, 1920; also Adrián Vidaurre, *Los Últimos Treinta Años de la Vida Política de Guatemala, Memorias* (Habana, Sainz, Arca y Cía., 1921), p. 164.

22. For the decree of April 8, 1920, cf. *El Guatemalteco*, April 28, 1930. A report of seventeen physicians had declared that Estrada was insane.

Herrera was elected "Constitutional President." Estrada, nevertheless, refused to accept this decree, but instead withdrew to La Palma, where he ordered the bombardment of the capital.

The State Department now instructed the American Minister to use his good offices to avoid further bloodshed. As a result of the mediation of the diplomatic corps, an armistice was declared and conferences took place, following which articles of capitulation were signed on April 14.²³

ESTRADA CABRERA RESIGNS

On April 13 the Assembly named Herrera first designate. On April 15 Estrada formally resigned, moved by a desire "to restore constitutional order." The next day Estrada's resignation was accepted. Herrera now took office, calling presidential elections for the following August.²⁴

Immediately following Estrada's overthrow, the Herrera government sent a commission to the United States to seek recognition. This commission told the State Department that the movement against Estrada had been legal, in opposition to the violence which Estrada employed in an attempt to resist the will of the Assembly.²⁵ The State Department accepted this view and recognized Herrera on June 24, 1920.²⁶ Subsequently Herrera was elected President for a six-year term.

THE MOSES RESOLUTION REGARDING THE TREATMENT OF ESTRADA

On January 10, 1921, the Senate passed a resolution introduced by Senator George Moses seeking information on the treatment of Estrada Cabrera,²⁷ and on January 18 President Wilson transmitted a report from Acting Secretary of State Norman H. Davis, summarizing the events leading up to Es-

trada's overthrow and stating that the Department had investigated rumors concerning his alleged mistreatment following his confinement and found they appeared untrue. The report declared that except for the sacking of La Palma after the surrender of the former President and the shooting of thirteen former soldiers of Estrada's at Quezaltenango, the new government had maintained order.²⁸

The movement leading to Estrada Cabrera's downfall is unique. His opponents did not resort to armed force; they merely carried on a long campaign of public opinion which finally induced the Assembly to depose Estrada Cabrera. Nevertheless, critics declare that the Assembly did not possess this power under the Constitution.²⁹ Hence its act could have been regarded as "unconstitutional" had the State Department been inclined to interpret the principles of the 1907 convention narrowly, or to apply the Wilsonian doctrine of "Constitutionalism."

The next report will discuss the efforts of Central America to promote union since the World War, and the attitude of the United States toward Central American revolutions during this period.

States Government and Americans in general was one of the most distinguishing features of the Estrada Cabrera régime.

"In fact his manifest desire to work with and be guided by the United States and the advantages that he offered to Americans gained for him the hatred of many of the ultra-conservative element among his countrymen, as well as the cordial dislike of many other Latin-American nations. Sometimes he was described as a traitor to his race. . . . As the close friend of the United States and the American people, President Estrada Cabrera naturally expected that he would be permitted to leave the country under the protection of the Minister and marines [a detachment of which had been sent to Guatemala City] and was bitterly disappointed when he found himself regarded with absolute indifference. Already the prestige of the United States in Central America has dropped to zero. . . . Seeing the American government utterly abandoned in a crisis the man who has been its principal friend not only in Central America but in all Latin America, they naturally ask what is the use of having the United States as a friend." (*Congressional Record*, December 8, 1920, Vol. 60, Part I, p. 44.)

28. It omitted to quote the State Department's note of April 4, 1921. Cf. p. 185, footnote 21.

One reason why Estrada Cabrera severed relations with Germany in 1917 was to strengthen his friendship with the United States as well as his internal position. (Cf. Warren Kelchner, *Latin American Relations with the League of Nations*, Boston, World Peace Foundation, 1929, p. 37; Adrian Vidaurre, *Los Últimos Treinta Años de la Vida Política de Guatemala*, Memorias, cited, p. 100.) Nevertheless, in 1914 Estrada Cabrera engaged in a rather heated controversy with the International Railways of Central America, which was partly owned by American capital.

29. Rafael Montúfar, *Caida de una Tiranía* (Guatemala City, 1923), p. 35. Article 52 (7) of the Constitution authorized the Assembly to permit the President to absent himself from the country or separate himself temporarily from the functions of his position; it may be argued, however, that this article was not intended to include the power of removal. It was only in December 1927 that the Constitution was amended to authorize doubts as to the legality of the procedure; but this resigna-tion of the Assembly to decide charges against the President (Article 53). The subsequent resignation of Estrada may have removed tension was brought about by the pressure of local opinion and of the diplomatic corps. Moreover, one writer declared that the Assembly did not follow correct procedure in naming Herrera. (*Ibid.*, p. 41.)

23. As a condition of surrender the Unionists agreed to allow Estrada to be removed from La Palma to the Military Academy, in the presence of the diplomatic corps. For these negotiations, cf. "President Estrada Cabrera of Guatemala," *Senate Documents*, cited; also Guatemala, *Memoria, Relaciones Exteriores*, 1921, annex 1.

24. *El Guatemalteco*, April 28, 1920. For the telegram from the Costa Rican Congress congratulating the Guatemalan Congress on the overthrow of Estrada Cabrera, cf. *ibid.*, May 26, 1921.

25. For the report of the commission, cf. Guatemala, *Memoria, Relaciones Exteriores*, 1921, p. 75.

26. *Ibid.*, p. 60, 71.

27. In his resolution, Senator Moses charged that the Unionists had violated their agreement to keep Estrada confined in the military academy and had placed him in an ordinary jail. In a memorandum accompanying this resolution, Senator Moses said that "the policy of extreme friendliness toward the United